



भारत का राजपत्र

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नई दिल्ली, शनिवार, अगस्त 15, 1998/श्रावण 24, 1920

No. 33]

NEW DELHI, SATURDAY, AUGUST 15, 1998/SRAVANA 24, 1920

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)
आदेश

नई दिल्ली, 29 जुलाई, 1998

स्टाम्प

नोट के स्वरूप वाले निजी तौर पर प्रार्वटित किए गए
सुरक्षित बांडों पर स्टाम्प-शुल्क के कारण प्रभावी है।

[सं. 27/98-स्टाम्प-एफ. सं. 15/18/98-वि.क.]
एस. कुमार, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)

ORDER
New Delhi, the 29th July, 1998
STAMPS

का.आ. 1578.—भारतीय स्टाम्प अधिनियम, 1899
(1899 का 2) की धारा 9 की उपधारा (i) के खंड
(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,
केन्द्रीय सरकार एतद्वारा हिन्दुस्तान कापर लिमिटेड,
कलकत्ता को मात्र उन्तीस लाख और पचपन हजार
रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति
देती है जो कि हिन्दुस्तान कापर लिमिटेड, कलकत्ता द्वारा
30-6-1998 को प्रार्वटित मात्र उन्तीस करोड़ पचपन
लाख रुपये के कुल मूल्य के 007561 से 010515 तक
के विशिष्ट संख्या वाले एक-एक लाख रुपये के प्रोमिसरी

S.O. 1578.—In exercise of the powers conferred by clause
(b) sub-section (1) of section 9 of the Indian Stamp Act,
1899 (2 of 1899), the Central Government hereby permits
Hindustan Copper Limited, Calcutta to pay consolidated
stamp duty of rupees twenty nine lakhs and fifty five
thousands only chargeable on account of the stamp duty
on Privately Placed Secured Bonds in the form of promissory
notes of Rupees one lakh each bearing distinctive numbers
from 007561 to 010515 aggregating to rupees twenty nine
crores fifty five lakh only allotted on 30-6-1998 by Hindustan
Copper Limited, Calcutta.

[No. 27/98-STAMPS/F. No. 15/18/98-ST]
S. KUMAR, Under Secy.

आदेश

नई दिल्ली, 31 जुलाई, 1998

कां.आ. 1579.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा 1 के अधीन आदेश कां.सं. 673/107/97-सी.शु.०-8 दिनांक 10-12-1997 को यह मिदेश जारी किया था कि श्री एम. अब्दुल कलाम, पुत्र श्री मोईडीन अब्दुल खादर, (i) नं० 120/6, वेदाचलम मार्ग, वासुदेवन नगर, जफरखान-पेट, मद्रास-83, (ii) नं० 26/7, एलीगेट अपार्टमेंट्स, हिन्दी प्रचार सभा मार्ग, टी० नगर, मद्रास-7, (iii) नं० 89, मेन रोड, मधुखुर, तनजौर जिला, लिया जाए और केन्द्रीय कारागार, चेन्नई, को निरुद्ध कर में अभिरक्षा में रखा जाए ताकि उसे भविष्य में विदेशी मुद्रा के संवर्धन के प्रतिकूल कार्य करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीक्षक, थनजावूर के समक्ष हजरि हों।

[कां.सं. 673/107/97-सी.शु.०-8]

प्रकाश चन्दरा, प्रवर सचिव

ORDER

New Delhi, the 31st July, 1998

S.O. 1579.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange & Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/107/97-Cus. VIII dated 10-12-1997 under the said sub-section directing that Shri M. Abdul Kalam, S/o Late Shri Moideen Abdul Khader, (i) No. 120/6, Vedachalam Street, Vasudeven Nagar, Jaffer Khanpet, Madras-83, (ii) No. 26/7, Elegant Apartments, Hindi Prachar Sabha Street, T. Nagar, Madras-600007, (iii) No. 89, Main Road, Madukhur, Tanjore District be detained and kept in custody in the Central Prison, Chennai with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Superintendent of Police, Thanjavur within 7 days of the publication of this order in the official Gazette.

[F. No. 673/107/97-Cus. VIII]

PRAKASH CHANDRA. Under Secy.

केन्द्रीय उत्पाद एवं सीमा शुल्क आयुक्त का कार्यालय

जयपुर, 27 जुलाई, 1998

सीमा शुल्क

का. आ. 1580.—सीमा शुल्क अधिनियम 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94 सीमा शुल्क (एन. टी.) विभांक 1 जुलाई, 1994 के अन्तर्गत प्रवृत्त शक्तियों का प्रयोग करते हुए मैं, टी. पी. सिंगल आयुक्त, केन्द्रीय उत्पाद एवं सीमा शुल्क, जयपुर II एतद्वारा शत-प्रतिशत ई. पो. यू. स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम, 1962 की धारा 9 के अन्तर्गत राजस्थान राज्य के बांसवाड़ा जिले में स्थित पीपलवा गांव को "भण्डागार स्टेशन" (वेयर हाउसिंग स्टेशन) घोषित करता हूँ।

[क्र. सं. 2/सीमा शुल्क (एन. टी.) जे पी द्वितीय/98/ का.सं.पंचम(पर)जे पी-द्वितीय/30/9/98]

टी. पी. सिंगल, आयुक्त

OFFICE OF THE COMMISSIONER AND CENTRAL EXCISE

Jaipur, the 27th July, 1998

CUSTOMS

S.O. 1580.—In exercise of the powers conferred by Notification No. 33/94 Customs (NT) dated the 1st July, 1994, by the Government of India, Ministry of Finance, Department of Revenue, New Delhi, issued under clause (a) of section 152 of Customs Act, 1962, I. T. P. Singal, Commissioner of Customs and Central Excise, Jaipur-II hereby, declare Village Peepwa in the District of Banswara, State of Rajasthan, to be a Warehousing station under section 9 of the Customs Act, 1962 for the purposes of setting up a 100 per cent Export Oriented Unit.

[No. 2/CUS (NT) JP-II/98/C. No. V (PER) JP-II/30/09/98]
T. P. SINGAL, Commissioner

कोयम्बतूर, 29 जुलाई, 1998

संख्या : 6/98 सीमा शुल्क (एनटी)

कां.आ. 1581.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के अन्तर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एन.टी.) के अधीन अधोहस्ताक्षरी को प्रत्ययोजित शक्तियों का प्रयोग करते हुए, मैं, ए.के. मेहता, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तामिलनाडु

राज्य, कोयम्बतूर जिला, उदुमलपेट तालुक के संकरारामनल्लूर ग्राम की सीमा शुल्क अधिनियम, 1962 की धारा 9 के अंतर्गत 100% नियतिन्मुख एकक (ई०ओ०यू) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ जैसा कि उद्योग मंत्रालय औद्योगिक सहायता सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फा० पत्र सं० VIII/40/9/96—सीमा शुल्क नीति]

ए०के० मेहता, आयुक्त

Coimbatore, the 29th July, 1998

NO. 6/98 CUSTOMS (NT)

S.O. 1581.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94 Cus. (NT) dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962. I, A. K. Mehta, Commissioner of Customs and Central Excise, Coimbatore, hereby declare Sankararamanallur Village Udumalpettaluk, Coimbatore District, State of Tamil Nadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 per cent Export Oriented Unit, as approved by the Ministry of Industries, Secretariat for Industrial Assistance, New Delhi.

[F. C. No. VIII/40/9/96-CUS. POL.]

A. K. MEHTA, Commissioner

कोयम्बतूर, 30 जुलाई, 1998

संख्या : 7/98 सीमा शुल्क (एनटी)

का०आ० 1582.—सीमा शुल्क अधिनियम, 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एनटी) के अधीन अबोहस्ताक्षरी को प्रत्यायोजित शक्तियों का प्रयोग करते हुए, मैं, ए०के० मेहता, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिलनाडु राज्य, सेलम जिला, सेलम तालुक, के चिन्नगौडपुरम ग्राम की सीमा शुल्क अधिनियम, 1962 की धारा 9 के अंतर्गत 100% नियतिन्मुख एकक (ई०ओ०यू) के गठन के उद्देश्य से भाण्डागारण स्टेशन के रूप में घोषित करता हूँ जैसा कि उद्योग मंत्रालय औद्योगिक सहायता सचिवालय, नई दिल्ली द्वारा अनुमोदित है।

[फा० पत्र सं० VIII/40/21/98—सीमा शुल्क नीति]

ए०के० मेहता, आयुक्त

Coimbatore, the 30th July, 1998

NO. 7/98 CUSTOMS (NT)

S.O. 1582.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus(NT) dated 1st July, 1994 by the Government of India

Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I, A. K. Mehta, Commissioner of Customs and Central Excise, Coimbatore, hereby declare Chinnagound Puram Village, Salem Taluk, Salem District, State of Tamil Nadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for purpose of setting up of 100% Export Oriented Unit, as approved by the Ministry of Industries, Secretariat for Industrial Assistance EOU Section, New Delhi.

[F. C. No. VIII/40/21/98-CUS. POL.]

A. K. MEHTA, Commissioner

(सेन्ट्रल इकॉनॉमिक इन्टेलीजेन्स ब्यूरो)

आदेश

नई दिल्ली, 6 अगस्त, 1998

का०आ० 1583.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अंतर्गत विशेष रूप में शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं० 673/87/96 सी-यू-एस०-8, दिनांक 4-11-98 जारी किया और यह निर्देश दिया कि श्री अनिल हंस सुपुत्र श्री ए०बी० हंस, पता ए-171, अशोक विहार, नई दिल्ली-52 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, तिहाड़, नई दिल्ली में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में माल की तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, नई दिल्ली के सम्मुख उपस्थित हो।

[फा० सं० 673/87/96—सी-यू-एस०-8]

एम०एस० नेगी, प्रवर सचिव

(Central Economic Intelligence Bureau)

ORDER

New Delhi, the 6th August, 1998

S.O. 1583.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/87/96-Cus. VIII dated 4-11-96 under the said sub-section directing that Shri Anil Hans

s/o A. D. Hans, R/o A-171, Ashok Vihar, New Delhi-52 be detained and kept in custody in the Central Prison, Tihar, New Delhi with a view to preventing him from dealing in smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, New Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/87/96-Cus. VIII]

M. S. NEGI, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 30 जुलाई, 1998

का. आ. 1584.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खण्ड (इ) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, श्री पृथ्वीराज मेहता, विशेष सहायक, पंजाब नेशनल बैंक, लोरा बाजार शाखा, लुधियाना को दिनांक 30-7-1998 से 29-7-2001 तक तीन वर्ष की अवधि के लिए या जब तक वे पंजाब नेशनल बैंक के एक कर्मचारी के रूप में अपनी सेवा छोड़ नहीं देते हैं, इनमें से जो भी पहले हो, पंजाब नेशनल बैंक के निदेशक बोर्ड में निदेशक नियुक्त करती है।

[फा. सं. 15/11/97/आई. आर.]

सी. बी. प्रसाद, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 30th July, 1998

S.O. 1584.—In pursuance of clause (e) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with Sub-Clause (1) of Clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints, Shri Prithvi Raj Mehta, Special Assistant, Punjab National Bank, B. O. : Chaura Bazar, Ludhiana as a Director on the Board of Directors of Punjab National Bank for a period of three years with effect from 30-7-1998 to 29-7-2001 or until he ceases to be a Workmen Employee of Punjab National Bank, whichever is earlier.

[F. No. 15/11/97-I.R.]

C. B. PRASAD, Under Secy.

नई दिल्ली, 30 जुलाई, 1998

का. आ. 1585.—रुग्ण औद्योगिक कंपनी (विशेष उपबंध) अधिनियम, 1985 की धारा 8 की उपधारा (2) के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री एम. एस. दयाल को 1 अगस्त, 1998 से 31 जनवरी, 1999 तक की अवधि के लिये औद्योगिक और वित्तीय पुनर्निर्माण अपीलीय प्राधिकरण के सदस्य के रूप में नियुक्त करती है।

[सं. 7/11/97-बी. ओ.-I]

सुधीर श्रीवास्तव, निदेशक

New Delhi, the 30th July, 1998

S.O. 1585.—In pursuance of the powers conferred by sub-section (1) of section 5 read with sub-section (2) of Section 6 of the Sick Industrial Companies (Special Provisions) Act, 1985, the Central Government hereby reappoints Shri M. S. Dayal, as a Member of the Appellate Authority for Industrial and Financial Reconstruction from 1st August, 1998 to 31st January, 1999.

[F. No. 7/11/97-B.O.I]

SUDHIR SHRIVASTAVA, Director

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 5 अगस्त 1998

का. आ. 1586.—यतः बैंककारी विनियमन अधिनियम, 1949 की धारा 45 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा उसके अनुसार केन्द्रीय सरकार ने लक्ष्मी कर्माश्रित बैंक लि., नई दिल्ली के केनरा बैंक के साथ विलय के लिए 23 अगस्त, 1985 को एक योजना मंजूर की थी।

यतः उक्त योजना के खंड 8 के उपखंड (9) के अधीन केनरा बैंक द्वारा लक्ष्मी कर्माश्रित बैंक लि., नई दिल्ली की परिसम्पत्तियों का अन्तिम रूप में मूल्यांकन अपेक्षित था, जो कि नियत तारीख से बारह वर्षों की समाप्ति के पश्चात् नियत तारीख को अनन्तिम रूप से मूल्यांकित कर लिया गया है।

यतः केनरा बैंक ने यह अभ्यावेदन किया है कि बड़ी संख्या में परिसम्पत्तियां अन्तर्गस्त होने और बैंक के प्रयासों के बावजूद अधिकांश मदों की वसूलियां अभी बाकी होने के कारण बैंक, विलय योजना के खंड 8 के उपखंड (ix) में विनिर्दिष्ट समय के भीतर परिसम्पत्तियों का अन्तिम रूप से मूल्यांकन करने में असमर्थ रहा है।

और यतः केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने पर इस बात से संतुष्ट है कि विलय योजना को लागू करने में कठिनाई पैदा हो गई है और उतना समय बढ़ाकर जितने में परिसम्पत्तियों का अन्तिम रूप से मूल्यांकन अपेक्षित है, उक्त कठिनाई को दूर करना जरूरी है।

अतः, अब लक्ष्मी कमर्शियल बैंक लि., नई दिल्ली का केनरा बैंक के साथ विलय की 23 अगस्त, 1985 की विलय योजना के खंड 18 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निवेश देती है कि केनरा बैंक, भारतीय रिजर्व बैंक के परामर्श से तथा उसके अनुमोदन से लक्ष्मी कमर्शियल बैंक लि., नई दिल्ली की उन परिसम्पत्तियों का, जिनकी वसूली और मूल्यांकन नहीं हुआ है, मूलतः नियत तारीख से और तीन वर्षों की अवधि के भीतर (अर्थात् 23 अगस्त, 2000 तक) मूल्यांकन करेगा।

[फा. संख्या 15/6/98-बी.ओ.ए.]

बी.ए. नारायणन, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th August, 1998

S.O. 1586.--Whereas on 23rd August, 1985, a scheme of Amalgamation of the Lakshmi Commercial Bank Ltd., New Delhi, with Canara Bank was sanctioned by the Central Government in exercise of the powers conferred by and in accordance with Section 45 of the Banking Regulation Act, 1949;

Whereas under sub-clause (ix) of clause 6 of the said Scheme, the Canara Bank was required to make a final valuation of the assets of the Lakshmi Commercial Bank Ltd., New Delhi, which have been provisionally valued on the prescribed date, on the expiry of twelve years from the prescribed date;

Whereas the Canara Bank has represented that in view of the large number of assets involved and the recovery of most of the items yet to be realised in spite of its efforts, it has not been able to make the final valuation within the time specified in sub-clause (ix) of clause 6 of the Scheme of Amalgamation;

And whereas the Central Government, in consultation with the Reserve Bank of India, is satisfied that difficulty has arisen in giving effect to the Scheme of Amalgamation, which, it is necessary to remove by extending the time within which the final valuation of assets is required to be made;

Now, therefore, in exercise of the powers conferred by clause 18 of the Scheme of Amalgamation dated 23 August 1985 of the Lakshmi Commercial Bank Ltd., New Delhi, with the Canara Bank, the Central Government hereby directs that the Canara Bank shall, in consultation with and with the approval of the Reserve Bank of India, value the assets of the Lakshmi Commercial Bank, New Delhi which have not been realised and valued, within a period of further three years from the originally prescribed date (i.e. by 23rd August, 2000).

[F. No. 15/6/98-BOA]

B. A. NARAYANAN, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 5 अगस्त, 1998

का.आ. 1587.--बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिशों पर, एतद्वारा घोषणा करती है कि उक्त

अधिनियम की धारा 10-ख की उपधारा (1) एवं (2) के उपबंध, सांगली बैंक लिमिटेड पर 4 अगस्त, 1998 से 3 नवम्बर, 1998 तक की तीन माह की अवधि के लिए या नियमित अध्यक्ष एवं मुख्य कार्यपालक अधिकारी के पदभार ग्रहण करने तक, इन में से जो भी पहले हो, लागू नहीं होंगे।

[सं. 15/3/98-बी.ओ.ए.(i)]

बी.ए. नारायणन, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 5th August, 1998

S.O. 1587.--In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-sections (1) and (2) of Section 10B of the said Act, shall not apply to the Sangli Bank Ltd. for a further period of three months from 4th August, 1998 to 3rd November, 1998 or till the appointment of a regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 15/3/98-BOA(i)]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 5 अगस्त, 1998

का.आ. 1588--बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10ख की उपधारा (9) के उपबंध सांगली बैंक लिमिटेड पर 4 अगस्त, 1998 से 3 नवम्बर, 1998 तक अवकाश बैंक के नियमित अध्यक्ष एवं मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, इनमें से जो भी पहले हो, उस सीमा तक लागू नहीं होंगे, जहां तक बैंक को चार महीने से अधिक के लिए अध्यक्ष एवं मुख्य कार्यपालक अधिकारी का काम करने के लिए किसी व्यक्ति की नियुक्ति करने की छूट प्राप्त है।

[सं. 15/3/97-बी.ओ.ए. (ii)]

बी.ए. नारायणन, अवसर सचिव

New Delhi, the 5th August, 1998

S.O. 1588.--In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on recommendations of the Reserve Bank of India hereby declares that the provisions of sub-section (9) of Section 10B of the said Act, shall not to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer beyond a period exceeding four months, apply to the Sangli Bank Ltd. from 4th August, 1998 to 3rd November, 1998 or till the appointment of a regular Chairman and Chief Executive Officer for that bank, whichever is earlier.

[F. No. 15/3/97-BOA(ii)]

B. A. NARAYANAN, Under Secy.

आयकर आयुक्त का कार्यालय

आदेश

जलपाईगुड़ी, 17 जून, 1998

संख्या : 3/98-99

का०आ०. 1589 :—आयकर अधिनियम 1961 (1922 के 43) की धारा 120 की उपधारा (i) एवं (ii) में दिए गए अधिकारों का प्रयोग करते हुए मैं, आयकर आयुक्त, जलपाईगुड़ी एतद्वारा यह आदेश देता हूँ कि दिनांक 01-07-1998 से नीचे दिए गए अनुसूची के तीसरे खाने में उल्लिखित व्यक्ति या व्यक्तियों के वर्ग, आय या आय की श्रेणी या क्षेत्रों के संवर्ध में सहायक आयकर आयुक्त, जलपाईगुड़ी, निर्धारित अधिकारी के रूप में कार्यभार को संभालेंगे।

अनुसूची

क्र०सं०	सहायक आयकर आयुक्त का पदनाम	क्षेत्राधिकार
1	2	3
1.	सहायक आयकर आयुक्त, जलपाईगुड़ी	<p>(i) वे सभी लिमिटेड कम्पनियां जिनके व्यवसाय का मूल स्थान जलपाईगुड़ी एवं कूचबिहार जिले के अन्दर हो एवं जिनकी आय/घाटा 50,000 रु० या इससे अधिक लेकिन 10 लाख से कम हो ।</p> <p>(ii) उपरिनिर्दिष्ट (i) की कम्पनियों के सभी निदेशक एवं प्रबंधक एजेंट ।</p> <p>(iii) वे सभी व्यक्ति जिनका कारोबार/पेशे का क्षेत्र और यदि कारोबार/पेशा एकाधिक स्थानों पर होता हो तो मूल स्थान जलपाईगुड़ी, कूचबिहार जिले में स्थित हो तथा आय/घाटा 2 लाख रु० एवं उसके ऊपर हो लेकिन 10 लाख रु० के नीचे हो ।</p> <p>(iv) जलपाईगुड़ी एवं कूचबिहार जिले के सभी नए मामले जिनकी आय/घाटा 2 लाख रु० है या इसके ऊपर लेकिन 10 लाख रु० से नीचे हो ।</p> <p>(v) जलपाईगुड़ी एवं कूचबिहार जिले के सरकारी एवं गैर सरकारी कर्मचारी समेत सभी व्यक्ति जिनकी आय (कारोबार या व्यावसायिक आय के अतिरिक्त) 2 लाख रु० हो या उससे अधिक हो लेकिन 10 लाख रु० से कम हो ।</p> <p>(vi) जलपाईगुड़ी एवं कूचबिहार जिले के सभी तलाशी एवं जब्त वाले मामले ।</p> <p>(vii) समय-समय पर आयकर अधिनियम, 1961 की धारा 127 के अधीन सौंपा गया कोई भी मामला ।</p>

[सं० आ०आ०/जल०/क्षेत्रा०/98-99/1282-1331]

ए० दास, आयकर आयुक्त

OFFICE OF THE COMMISSIONER OF INCOME TAX

ORDER

Jalpaiguri, the 17th June, 1998

NO : 3/98-99

S. O. 1589 :—In exercise of the powers conferred by Sub-sections (1) & (2) of Section 120 of the Income-tax Act, 1961 (43 of 1922), I, the Commissioner of Income-tax, Jalpaiguri, hereby direct that the Assistant Commissioner of Income-tax, Jalpaiguri, shall perform the functions as Assessing Officer in respect of the persons or classes of persons, income or classes of income or of the areas as mentioned in the corresponding Column 3 of the Schedule given below w.e.f. 01-07-1998.

SCHEDULE

Sl. No.	Designation of the Assistant Commissioner of Income-tax	Jurisdiction
1	2	3
1.	Assistant Commissioner of income-tax Jalpaiguri	<p>(i) All Limited Companies with their principal place of business within the Districts of Jalpaiguri and Cooch Behar whose income/loss is Rs. 50,000/- and above but below Rs. 10 lakhs.</p> <p>(ii) All Directors & Managing Agents of the companies referred to at (i) above.</p> <p>(iii) All persons whose place of business or profession or the principal place of business or profession if it is carried on in more places than one, is situated within the Districts of Jalpaiguri and Cooch Behar and having income/loss of Rs. 2 lakhs and above but below Rs. 10 lakhs.</p> <p>(iv) All new cases in the Districts of Jalpaiguri and Cooch Behar where the income/loss is Rs. 2 lakhs and above but below Rs. 10 lakhs.</p> <p>(v) All persons including Govt. & Non Govt. employees within the Districts of Jalpaiguri and Cooch Behar having income (other than business or professional income) of Rs. 2 lakhs and above but below Rs. 10 lakhs.</p> <p>(vi) All Search and Seizure cases within jurisdiction of the Districts of Jalpaiguri and Cooch Behar.</p> <p>(vii) Any case which may be assigned U/s-127 of the Income-tax Act, 1961 from time to time.</p>

[No. CIT/JAL/JURIS/98-99/1282-1331]

A. DAS, Commissioner

आदेश

जलपाईगुरी, 17 जून, 1998

संख्या 4/98-99

कां.आ. 1590 :—मुख्य आयकर आयुक्त, कलकत्ता की आदेश संख्या 3/98-99 दिनांक 06-05-1998, फाईल संख्या—ए०सी०/मुख्या०/योजना/10/98-99 के अनुसार एवं आयकर अधिनियम, 1961 (1922 का 43) की धारा 120 की उपधारा (1) और (2) में दिए गए अधिकार एवं इस बारे में अन्य अधिकारी का प्रयोग करते हुए मैं, आयकर आयुक्त, जलपाईगुरी एतद्वारा यह आदेश देता हूँ कि दिनांक 01-07-98 से नीचे दिए गए कालम 3 में उल्लिखित निर्धारित अधिकारी कालम 3 में उल्लिखित क्षेत्राधिकार के कार्यभार को संभालेंगे।

अनुसूची

क्र.सं०	सहायक आयकर आयुक्त का पदनाम	क्षेत्राधिकार
1	2	3
1.	सहायक आयकर आयुक्त, मालदा	<p>(i) वे सभी लिमिटेड कम्पनियाँ जिनका व्यवसाय का मूल स्थान मालदा, उत्तर-दिनाजपुर एवं दक्षिण दिनाजपुर जिले के अन्दर हो तथा आय/घाटा 50,000 रु० हो या अधिक लेकिन 10 लाख रु० से कम हो।</p> <p>(ii) उपरानिर्दिष्ट (i) कम्पनी के सभी निदेशक एवं प्रबंधक एजेंट।</p> <p>(iii) वे सभी व्यक्ति जिनका कारोबार/पेशे का क्षेत्र और यदि कारोबार/पेशा एकाधिक स्थानों पर हो तो मूल स्थान मालदा, उत्तर-दिनाजपुर एवं दक्षिण दिनाजपुर जिले में स्थित हो तथा जिनकी आय/घाटा 2 लाख रु० या इससे अधिक हो लेकिन 10 लाख रु० से कम हो।</p>

1	2	3
		(iv) मालदा, उत्तर दिनाजपुर एवं दक्षिण दिनाजपुर जिले के सभी नए मामले जिनकी आय/घाटा 2 लाख रु. या इससे अधिक हो, लेकिन 10 लाख रु. से नीचे हो।
		(v) मालदा उत्तर दिनाजपुर एवं दक्षिण दिनाजपुर जिले के सरकारी एवं गैर-सरकारी-कर्मचारी समेत सभी व्यक्ति जिनकी आय (कारोबार या व्यावसायिक आय के अतिरिक्त) 2 लाख रु. हो या उससे अधिक हो लेकिन 10 लाख रु. से कम हो।
		(vi) मालदा, उत्तर दिनाजपुर एवं दक्षिण दिनाजपुर जिले से सभी तत्साली एवं जस्त वाले मामले।
		(vii) समय-समय पर धारा 127 के अधीन सौंपे गए कोई भी मामला।
		(viii) आयकर अधिनियम, 1961 की धारा 203-ए के अधीन कर छूट लेखा संख्या का आवंटन के कार्य समेत मालदा, उत्तर दिनाजपुर एवं दक्षिण दिनाजपुर जिले के अन्डर टी०डी०एस० का मुद्दा और ऊपर उल्लिखित क्षेत्राधिकार के अन्तर्गत धारा 272 बी०बी० के अधीन टी०डी०एस० के उद्देश्य के लिए आने वाले निर्धारित सहित सभी अनुवर्ती कार्यवाई।

[सं० आ०आ०/जल०/क्षेत्रा०/98-99/1332-1381]

ए० दाम, आयकर आयुक्त

ORDER

Jalpaiguri, the 17th June, 1998

No. 4/98-99

S. O. 1590 :—In pursuance of Order No. 3/98-99 Dated 06-05-1998 issued from F.No.AC/HQ/Planning/10/98-99 by the Chief Commissioner of Income-tax, Calcutta and in exercise of the powers conferred by sub-section (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1922) and all other powers enabling me in this behalf, I, the Commissioner of Income-tax, Jalpaiguri, hereby direct that the Assessing Officer mentioned in Column 2 of the Schdeule given below shall exercise the jurisdiction in respect of cases mentioned in the corresponding Column 3 of the said Schedule w.e.f. 01-07-1998.

SCHEDULE

Sl. No.	Designation of the Assistant Commissioner of Income-tax-	Jurisdiction
1.	2.	3.
1.	Assistant Commissioner of Income-tax, Malda.	<p>(i) All Limited Companies having their principal place of business within the Districts of Malda, Uttar Dinajpur and Dakshin Dinajpur having income/loss of Rs. 50,000 and above but below Rs. 10 lakhs.</p> <p>(ii) All Directors and Managing Agents of the Companies referred to at (i) above.</p> <p>(iii) All persons whose places of business or profession or the principal places of business or profession, if it is carried on in more than one place, are situated within the Districts of Malda, Uttar Dinajpur & Dakshin Dinajpur having income/loss of Rs. 2 lakhs and above but below Rs. 10 lakhs.</p> <p>(iv) All New Cases within the Districts of Malda, Uttar Dinajpur & Dakshin Dinajpur having income/loss of Rs. 2 lakhs and above but below Rs. 10 lakhs.</p> <p>(v) All persons including Govt. & Non-Govt. Employees within the Districts of Malda, Uttar Dinajpur & Dakshin Dinajpur having income (other than business or professional income) of Rs. 2 lakhs and above but below Rs. 10 lakhs.</p>

- (vi) All Search & Seizure cases within the jurisdiction of the Districts of Malda, Uttar Dinajpur & Dakshin Dinajpur.
- (vii) Any case which may be assigned u/s. 127 from time to time.
- (viii) TDS matters within the Districts of Malda, Uttar Dinajpur & Dakshin Dinajpur including the function of allotment of Tax Deduction Account Number u/s 203A of the Income-tax Act, 1961 and all consequential actions for the said purpose including action u/s. 272BB to the assessee who for the purpose of TDS come within the jurisdiction as mentioned above.

[No. CIT/JAL/JURIS/98-99/1332-1381]

A. DAS, Commissioner of Income-tax

आदेश

जलपाई गुड़ी, 17 जून, 1998

संख्या 5/98-99

का०आ० 1591.—मुख्य आयकर आयुक्त, कलकत्ता के फाइल सं० सं०आ०/मुख्या०/योजना/10/98-99 द्वारा जारी आदेश संख्या 2/98-99 दिनांक 06-05-98 के अनुसार तथा आयकर अधिनियम, 1961 (1922 के 43) की धारा 120 की उप धारा (1) और (2) में दिए गए अधिकारों एवं इस बारे में अन्य अधिकारों का प्रयोग करते हुए, मैं, आयकर आयुक्त, जल-पाईगुड़ी, एतद्द्वारा यह आदेश देता हूँ कि नीचे दिए गए अनुसूची के कालम (2) में उल्लिखित निर्धारित अधिकारी दिनांक 01-07-98 से अनुसूची के तीसरे कालम में उल्लिखित मामले को देखेंगे।

अनुसूची

क्रम संख्या	आयकर अधिकारी का पदनाम	क्षेत्राधिकार
1	2	3
1.	आयकर अधिकारी, रायगंज	<p>(i) वे सभी लिमिटेड कम्पनियाँ जिनका व्यवसाय का मूल स्थान उत्तर दिनाजपुर जिला के अन्दर हो तथा आय/घाटा 50,000/- के नीचे हो।</p> <p>(ii) ऊपरनिर्दिष्ट (1) के कम्पनी के सभी निदेशक एवं प्रबन्धक एजेंट।</p> <p>(iii) वे सभी व्यक्ति जिनका कारोबार या पेशे का क्षेत्र और यदि कारोबार/पेशा एकाधिक स्थानों पर हो तो मूल स्थान उत्तर दिनाजपुर जिला में स्थित हो तथा जिनकी आय/घाटा 2 लाख रु० के नीचे हो।</p> <p>(iv) उत्तर दिनाजपुर जिला के सभी नए मामले जिनकी कुल आय दो लाख रु० से नीचे हो।</p> <p>(v) उत्तर दिनाजपुर जिला के सरकारी एवं गैर-सरकारी कर्मचारी समेत सभी व्यक्ति जिनकी आय (कारोबार या व्यावसायिक आय के अतिरिक्त) दो लाख रु० के नीचे हो।</p> <p>(vi) आयकर अधिनियम, 1961 की धारा 203ए के अधीन कर छूट लेखा संख्या का आवंटन का कार्य समेत सभी टी०डी०एस० का मुद्दा तथा धारा 272 बी०बी० के अधीन उत्तर दिनाजपुर जिले के अन्तर्गत आने वाले टी०डी०एस० के उद्देश्य के लिए आने वाले निर्धारित सहित सभी अनुवर्ती कार्यवाई :</p>

[सं० आ०आ०/जल०/क्षेत्रा०/98-99/1382-1431]

ए० दास, आयकर आयुक्त

ORDER

Jalpaiguri, the 17th June, 1998

No. 5/98-99

S.O. 1391.—In pursuance of Order No. 2/98-99 dated 06-05-1998 issued from F.No. AC/Hq./Planning/10/98-99 by the Chief Commissioner of Income tax, Calcutta and in exercise of the powers conferred by Sub Section (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1922), and all other powers enabling me in this behalf, I, the Commissioner of Income-tax, Jalpaiguri, hereby direct that the Assessing Officer mentioned in Col. 2 of the Schedule given below shall exercise the jurisdiction in respect of cases mentioned in the corresponding column 3 of the said Schedule w.e.f. 01-07-1998.

SCHEDULE

Sl. No.	Designation of the Income tax Officer	Jurisdiction
1	2	3
1.	Income-tax Officer Raigunj	<p>(i) All Limited Companies having their principal place of business within the District of Uttar Dinajpur and where the income/loss is below Rs. 50,000/-.</p> <p>(ii) All Directors and Managing Agents of the Companies referred to at (i) above.</p> <p>(iii) All persons whose place of business or profession of the principal places of business or profession if it is carried on in more places than one, is situated within the District of Uttar Dinajpur and whose income/loss is below Rs. 2 lakhs.</p> <p>(iv) All New Cases within the District of Uttar Dinajpur where the total income is below Rs. 2 lakhs.</p> <p>(v) All persons including Govt. & Non Govt. Employees within the District of Uttar Dinajpur having income (other than business or Professional Income) below Rs. 2 lakhs.</p> <p>(vi) All TDS matters including the function of allotment of Tax Deduction Account Number under Section 203A of the Income-tax Act, 1961 and all consequential action for the said purpose including action U/s-272 BB to the assessee who for the purpose of TDS come within the jurisdiction of the District of Uttar Dinajpur.</p>

[No. CIT/JAL/JURIS/98-99/1382-1431]
A. Das Commissioner of Income Tax

आयकर आयुक्त का कार्यालय

1

2

3

कलकत्ता, 30 जून, 1998

संख्या 1/98-99

का. आ. 1592 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 20 की उपधारा (1) एवं उपधारा (ii) में दिए गए अधिकारों और मुझे दिए गए अन्य अधिकारों का प्रयोग करते हुए एवं पूर्व सभी अधिसूचनाओं, का अधिक्रमण करते हुए मैं, आयकर आयुक्त, पं. बंगाल-6, कलकत्ता एनडू द्वारा आदेश देता हूँ कि नीचे दिए गए अनुसूची के कॉलम "क" में उल्लिखित निर्धारण अधिकारी उक्त अनुसूची के कॉलम "2" में उल्लिखित क्षेत्रों या व्यक्तियों या व्यक्तियों के वर्गों, आय या आय के वर्गों या मामले या मामले के वर्गों के संदर्भ में आयकर अधिनियम, 1961 के तहत निर्धारण अधिकारी सभी कार्यभार को संभालेंगे।

क्र. सं. अधिकारी का पदनाम क्षेत्राधिकार

1	2	3
1. आयकर अधिकारी, वाई—5 (2), कलकत्ता	फिल्म, टी. वी. यात्रा एवं कलाकारों के अतिरिक्त आ. उपा. रेंज-5, कलकत्ता के क्षेत्राधिकार में आने वाले सभी नए निर्धारिती जिसके व्यक्तिगत मामले के उपनाम और अन्य निर्धारिती के मामले का प्रथम अक्षर ए, बी, सी और डी से आरम्भ हो।	
2. आयकर अधिकारी वाई—5 (3), कलकत्ता	फिल्म, टी. वी., यात्रा एवं कलाकारों के अतिरिक्त आ. उपा. रेंज-5, कलकत्ता के क्षेत्राधिकार में आने वाले सभी नए निर्धारिती जिसके व्यक्तिगत मामले के उपनाम और अन्य निर्धारिती के मामले का प्रथम अक्षर ई, एफ, जी और एच से आरम्भ हो।	
3. आयकर अधिकारी, वाई—5 (4), कलकत्ता	फिल्म, टी. वी., यात्रा एवं कलाकारों के अतिरिक्त आ. उपा. रेंज—5, कलकत्ता के क्षेत्राधिकार में आने वाले सभी नए	

निर्धारिती जिसके व्यक्ति मामले के उपनाम और अन्य निर्धारिती के मामले का प्रथम अक्षर आई, जे, के, एल एवं एम से आरम्भ हो।

4. आयकर अधिकारी, वाई—5 (5), कलकत्ता

फिल्म, टी. वी., यात्रा एवं कलाकारों के अतिरिक्त आ. उपा. रेंज—5, कलकत्ता के क्षेत्राधिकार में आने वाले सभी नए निर्धारिती जिसके व्यक्तिगत मामले के उपनाम और अन्य निर्धारिती के मामले का प्रथम अक्षर एन, ओ, पी, और क्यू से आरम्भ हो।

5. आयकर अधिकारी वाई—5 (6) कलकत्ता

फिल्म टी. वी. यात्रा एवं कलाकारों के अतिरिक्त आ. उपा. रेंज—5, कलकत्ता के क्षेत्राधिकार में आने वाले सभी नए निर्धारिती जिसके व्यक्तिगत मामले के उपनाम और अन्य निर्धारिती के मामले का प्रथम अक्षर आर, एस, टी., यू, भी, डब्ल्यू, एक्स वाई और जेड से आरम्भ हो।

6. आयकर अधिकारी, वाई—5 (8), कलकत्ता

कलकत्ता एवं हावड़ा व 24 परगना जिले के क्षेत्राधिकार में आने वाले यूनिट के या उससे संबंधित कलाकारों सहित वे सभी नए निर्धारिती जैसे फिल्म निर्माता, स्टुडियो के मालिक, प्रदर्शन व सिनेमा मालिक, थियेटर व यात्रा निर्माता, कलाकार एवं कर्मचारी के आय का निर्धारण।

यह अधिसूचना दिनांक 01-07-98 से लागू होगा।
[संख्या : क्षेत्रा. —5/अधिसूचना प. बं.—6 खंड—1/98-99/1651]

एम. पी. सेनगुप्ता, आयकर आयुक्त

Calcutta. the 30th June. 1998

No. 1/98-99

S.O...1592...—In exercise of the powers conferred by sub-section (1) and Sub-section (2) of Section 120 of the Income Tax Act, 1961 (43 of 1961) and all other powers enabling me in this behalf and in supersession of all earlier notifications, I, the Commissioner of Income Tax, West Bengal-VI, Calcutta hereby, direct that the Assessing Officer specified in Column 2 of the schedule below shall exercise all the powers and perform all the functions of an Assessing Officer under the Income Tax Act, 1961 in respect of the areas, or persons or classes of persons, incomes or classes of income or cases or classes of cases as specified in Column 3 of the said schedule.

Sl. No.	Designation of the Officer	Jurisdiction
1.	2.	3.
1.	Income Tax Officer, Wd-5(2), Cal.	Over all New assesseees except those related to Firm, TV, Yatra or performing artists falling under the jurisdiction of Deputy Commissioner of Income Tax, Range-5, Calcutta with sur-names in the case of individual and first names in the case of other assesseees starting with alphabets A, B, C & D.
2.	Income Tax Officer, Wd-5(3), Cal.	Over all New assesseees except those related to Film, TV, Yatra or performing artists falling under the jurisdiction of Deputy Commissioner of Income Tax, Range-5, Calcutta, with sur-names in the case of individuals and first names in the case of other assesseees starting with Alphabets E, F, G & H.
3.	Income Tax Officer, Wd-5(4), Cal.	Over all New Assesseees except those related to Film, TV, Yatra or performing artists falling under the jurisdic-

1	2	3
		tion of Deputy Commissioner of Income Tax, Range-5, Calcutta, with sur-names in the case of individuals and first names in the case of other assesseees starting with Alphabets I J, K, L & M.
4.	Income Tax Officer, Wd-5(5), Cal.	Over all New assesseees except those related to Film, TV, Yatra or performing artists falling under the jurisdiction of Deputy Commissioner of Income Tax, Range-5, Calcutta with sur-names in the case of individuals and first names in the case of other assesseees starting with the Alphabets N, O, P & Q.
5.	Income Tax Officer, Wd-5 (6) Cal.	Over all New Assesseees except those related to Film, TV, Yatra or performing artists falling under the jurisdiction of Deputy Commissioner of Income Tax, Range-5, Calcutta, with sur-names in the case of individuals and first names in the case of other assesseees starting with Alphabets R, S, T, U, V, W, X, Y & Z.
6.	Income Tax Officer, Wd-5 (8). Col.	All New assesseees having income as Film Producers, Studio owners, exhibitors and Cinema Houses, Theatre and Yatra Producers, artists and employees including artists etc. Connected with or of the units within the jurisdiction of the city of Calcutta and the districts of Howrah and 24-Paraganas.

This notification shall come into force with effect [from 01-07-1998.

No. Jur-5/Notification/WB-VI/Vol. I/98-99/1651]
N. P. SENGUPTA, Commissioner of Income Tax

उद्योग मंत्रालय
(औद्योगिक नीति और संवर्धन विभाग)

आवेश

नई दिल्ली, 30 जुलाई, 1998

का०आ० 1593 :—केन्द्र सरकार, विकास परिषद (प्रक्रिया) नियमावली, 1952 के नियम 3 तथा 8 के साथ पठित उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,—

- (1) श्री प्राण तलवार,
उपाध्यक्ष तथा प्रबंध निदेशक,
टालब्रोस ऑटोमोटिव कंपोनेंट्स लि०,
14/1, मथुरा मार्ग,
फरीदाबाद 121003, हरियाणा,
- (2) श्री आर०जे० शाहनी,
अध्यक्ष,
अशोक लेलैंड लि०, 19, राजाजी सलाई,
चेन्नई-600001

को, एतद्वारा, आटोमोबाइल तथा एलाइड इंडस्ट्रीज की विकास परिषद के सदस्य के रूप में परिषद की शेष अवधि अर्थात् 9 जनवरी, 2000 तक के लिए नियुक्त करती है, जिसकी स्थापना दिनांक 9 जनवरी, 1998 के भारत के राजपत्र, भाग-2, खंड-3 उप-खंड (ii) में प्रकाशित उद्योग मंत्रालय (औद्योगिक नीति और संवर्धन विभाग) में भारत सरकार के 9 जनवरी, 1998 के कानूनी आदेश सं० का०आ० 181 के तहत की गयी है, और इस प्रयोजन के लिए उक्त आदेश में निम्नलिखित संशोधन करती है, अर्थात् :—
उक्त आवेश में,—

(ग) क्रम सं० 21 के बाद निम्नलिखित क्रम संख्या और प्रविष्टियां अन्तर्विष्ट की जायेंगी, अर्थात् :—

- “21 क श्री प्राण तलवार,
उपाध्यक्ष तथा प्रबंध निदेशक,
टालब्रोस ऑटोमोटिव कंपोनेंट्स लि०,
14/1, मथुरा मार्ग,
फरीदाबाद-121003 सदस्य”
- “21 ख श्री आर०जे० शाहनी,
अध्यक्ष,
अशोक लेलैंड लि०,
19, राजाजी सलाई,
चेन्नई 600001 सदस्य”

(क) क्रम सं० 15 तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

- “15. श्री सी०के० बिरला,
अध्यक्ष,
हिन्दुस्तान मोटर्स लि०,
प्रकाश दीप, 10 वां तल
7, टालस्टाय मार्ग,
नई दिल्ली-110001 सदस्य”

(ख) क्रम सं० 18 तथा उससे संबंधित प्रविष्टियों के लिए निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

- “18. श्री आनन्द महिन्द्रा,
प्रबंध निदेशक,
महिन्द्रा एंड महिन्द्रा लि०,
गेटवे बिल्डिंग,
अपोलो बंदर,
मुंबई-400039, सदस्य”
- [सं० 7(8)/96-ए०ई०आई०]
श्रीमती प्रतिभा करन, संयुक्त सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Policy and Promotion)

ORDER

New Delhi, the 30th July, 1998

S.O. 1593.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with rules 3 and 8 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints,—

- (1) Shri Pran Talwar,
Vice Chairman and Managing Director,
Talbro's Automotive Components Ltd.,
14/1, Mathura Road,
Faridabad-121003, Haryana and
- (2) Shri R. J. Shahaney,
Chairman,
Ashok Leyland Ltd., 19, Rajaji Salai,
Chennai-600001.

to be Members of the Development Council for Automobile and Allied Industries established vide Government of India in the Ministry of Industry (Department of Industrial Policy and Promotion) Order number S.O. 181, dated 9th January, 1998 published in the Gazette of India, Part-II, Section 3, Sub-section (ii), dated the 9th January 1998, for the remainder of the term of office as Members of the said Council i.e., upto 9th January 2000 and for the said purpose, makes the following amendments in the said Order, namely :—

In the said Order,—

(C) After Serial No. 21 the following serial numbers and the entries shall be inserted namely :—

- “21A. Shri Pran Talwar,
Vice Chairmen and Managing Director,
Talbro's Automotive Components Ltd.,
14/1, Mathura Road,
Faridabad-121003. —Member”
- “21B. Shri R. J. Shahaney,
Chairman,
Ashok Leyland Ltd.,
19, Rajaji Salai, Chennai-600001.
Member”

(a) For Serial No. 15 and the entries relating thereto, the following shall be substituted, namely :

"15. Shri C. K. Birla,
Chairman,
Hindustan Motors Ltd.,
Prakash Deep, 10th Floor,
7, Tolstoy Marg,
New Delhi-110 001.

Member"

(b) for Serial No. 18 and the entries relating thereto, the following shall be substituted, namely:—

"18. Shri Anand Mahindra,
Managing Director,
Mahindra and Mahindra Ltd.,
Gateway Building,
Apollo Bunder, Mumbai-400 039.

Member"

[No. 7(8)196-TEI]

MRS. PRATIBHA KARAN, Jt. Secy.

खाद्य और उपभोक्ता मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 17 जुलाई, 1998

का. मा. 1594 :—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड "ख" के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिये गए मानक(कों) में संशोधन किया गया है/किये गये हैं।

अनुसूची

क्र. संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
(1)	(2)	(3)
(4)		
1. आईएस 27 : 1992	संशोधन सं. 1 अप्रैल 1998	98-04-30
2. आईएस 101 (भाग 1/अनु 5) : 1989	संशोधन सं. 1 अप्रैल 1998	98-04-30
3. आईएस 179 : 1977	संशोधन सं. 4 मई 1998	98-05-31
4. आईएस 179 : 1977	संशोधन सं. 5 मई 1998	98-05-31
5. आईएस 302--1 (1979)	संशोधन सं. 7 अप्रैल 1998	98-04-30
6. आईएस 302--2--3 (1992)	संशोधन सं. 7 अप्रैल 1998	98-04-30
7. आईएस 366 : 1991	संशोधन सं. 5 अप्रैल 1998	98-04-30
8. आईएस 576 : 1989	संशोधन सं. 1 मई 1998	98-05-31
9. आईएस 578 : 1985	संशोधन सं. 2 मई 1998	98-05-31
10. आईएस 580 : 1973	संशोधन सं. 2 अप्रैल 1998	98-04-30
11. आईएस 694 : 1990	संशोधन सं. 1 अप्रैल 1998	98-04-30
12. आईएस 802 (भाग 2/अनु 2) : 92	संशोधन सं. 1 जनवरी 1998	98-01-31

(1)	(2)	(3)	(4)
13. आईएस 1011 : 1992	संशोधन सं. 2 मई 1998		98-05-31
14. आईएस 1248 (भाग 1) : 1993	संशोधन सं. 1 मार्च 1998		98-03-31
15. आईएस 1462 : 1985	संशोधन सं. 3 अप्रैल 1998		98-04-30
16. आईएस 1660 (भाग 1) : 1982	संशोधन सं. 4 मई 1998		98-05-1
17. आईएस 1667 : 1981	संशोधन सं. 2		98-04-30
18. आईएस 1850 : 1961	संशोधन सं. 1 मई 1998		98-05-31
19. आईएस 2586 : 1986	संशोधन सं. 1 मई 1998		98-05-31
20. आईएस 2062 : 1992	संशोधन सं. 4 मई 1998		98-05-31
21. आईएस 2593 : 1984	संशोधन सं. 1 मार्च 1998		98-03-31
22. आईएस 3196 (भाग 1) : 1992	संशोधन सं. 2 अप्रैल 1998		98-04-30
23. आईएस 3224 : 1979	संशोधन सं. 8 मई 1998		98-05-31
24. आईएस 3327 : 1982	संशोधन सं. 1 अप्रैल 1998		98-04-30
25. आईएस 3851 : 1966	संशोधन सं. 2 अप्रैल 1998		98-04-30
26. आईएस 3892 : 1975	संशोधन सं. 1 अप्रैल 1998		98-04-30
27. आईएस 3985 : 1983	संशोधन सं. 1 मई 1998		98-05-31
28. आईएस 4932 : 1985	संशोधन सं. 1 मई 1998		98-05-31
29. आईएस 4229 : 1992	संशोधन सं. 1 अप्रैल 1998		98-04-30
30. आईएस 4246 : 1992	संशोधन सं. 3 अप्रैल 1998		98-04-30
31. आईएस 4304 : 1976	संशोधन सं. 1 अप्रैल 1998		98-04-30
32. आईएस 4553 : 1983	संशोधन सं. 1 मई 1998		98-05-31
33. आईएस 5116 : 1996	संशोधन सं. 1 अप्रैल 1998		98-04-30

(1)	(2)	(3)	(4)
34. आईएस 6153 : 1971	संशोधन सं. 1 मई 1998		98-05-31
35. आईएस 6226 (भाग 1) : 1994	संशोधन सं. 1 मार्च 1998		98-03-31
36. आईएस 6622 : 1972	संशोधन सं. 1 जनवरी 1998		98-01-31
37. आईएस 7142 : 1995	संशोधन सं. 1 अप्रैल 1998		09-04-30
38. आईएस 8014 : 1989	संशोधन सं. 5 मई 1998		98-05-31
39. आईएस 8445 : 1991	संशोधन सं. 1 मार्च 1998		98-03-31
40. आईएस 8471 (भाग 1) : 1977	संशोधन सं. 1 अप्रैल 1998		98-04-30
41. आईएस 8471 (भाग 2) : 1977	संशोधन सं. 1 अप्रैल 1998		98-04-30
42. आईएस 8471 (भाग 4) : 1977	संशोधन सं. 2 अप्रैल 1998		98-04-30
43. आईएस 8776 : 1988	संशोधन सं. 1 मई 1998		98-05-31
44. आईएस 9079 : 1989	संशोधन सं. 3 अप्रैल 1998		98-04-30
45. आईएस 9301 : 1990	संशोधन सं. 5 अप्रैल 1998		98-04-30
46. आईएस 10810 (भाग 40) : 1984	संशोधन सं. 1 मार्च 1998		98-03-31
47. आईएस 10840 : 1994	संशोधन सं. 3 मार्च 1998		98-03-31
48. आईएस 11188 (भाग 1) : 1991	संशोधन सं. 3 मई 1998		98-05-31
49. आईएस 11357 : 1985	संशोधन सं. 1 मार्च 1998		98-03-31
50. आईएस 12010 : 1987	संशोधन सं. 1 मई 1998		98-05-31
51. आईएस 12586 : 1988	संशोधन सं. 2 मई 1998		98-05-31
52. 12671 : 1989	संशोधन सं. 1 मई 1998		98-05-31
53. आईएस 12915 : 1990	संशोधन सं. 3 मई 1998		98-05-31 ³
54. आईएस 12936 : 1990	संशोधन सं. 1 अप्रैल 1998		98-04-30

(1)	(2)	(3)	(4)
55. आईएस 13228 : 1991	संशोधन सं. 1 मार्च 1998		98-04-31
56. आईएस 13229 : 1991	संशोधन सं. 1 अप्रैल 1998		98-04-30
57. आईएस 13412 (भाग 1) : 1991	संशोधन सं. 1 अप्रैल 1998		98-04-30
58. आईएस 13901 (भाग 2) : 1993	संशोधन सं. 1 मार्च 1998		98-03-31
59. आईएस 13908 : 1993	संशोधन सं. 1 मई 1998		98-05-31
60. आईएस 13947 (भाग 5/अनु 1) : 93	संशोधन सं. 1 सितम्बर 1997		97-09-30
61. आईएस 14220 : 1994	संशोधन सं. 2 अप्रैल 1998		98-04-30
62. आईएस 14263 : 1995	संशोधन सं. मई 1998		98-05-31

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो मानक भवन 9 बहादुरशाह जफर मार्ग नई दिल्ली-110002 और क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, चंडीगढ़, मद्रास तथा मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना तथा धरमपुरम में बित्री हेतु उपलब्ध है।

[सं. के प्र वि 13 : 5]

बी. मुखर्जी, अपर महानिदेशक

MINISTRY OF FOOD AND CONSUMER AFFAIRS
BUREAU OF INDIAN STANDARDS

New Delhi, the 17th July, 1998

S.O. 1591.—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been issued:

SCHEDULE

Sl. No. and year of the Indian Standard(s) No. amended	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3
4		
1. IS 27:1992	Amendment No. 1 April 1998	98-04-30
2. IS 101 (Pt. 1/Sec 5):89	Amendment No. 1 April 1998	98-04-30
3. IS 179:1977	Amendment No. 4 May 1998	98-05-31

1	2	3	4
4. IS 179:1977	Amendment No. 5 May 1998	98-05-31	
5. IS 302-1 (1979)	Amendment No. 7 April 1998	98-04-30	
6. IS 302-2-3 (1992)	Amendment No. 7 April 1998	98-04-30	
7. IS 366:1991	Amendment No. 5 April 1998	98-04-30	
8. IS 576:1989	Amendment No. 1 May 1998	98-05-31	
9. IS 578:1985	Amendment No. 2 May 1998	98-05-31	
10. IS 580:1973	Amendment No. 2 April 1998	98-04-30	
11. IS 694:1990	Amendment No. 1 April 1998	98-04-30	
12. IS 802 (Pt. 1 Sec. 2) : 92	Amendment No. 1 January 1998	98-01-31	
13. IS 1011 : 1992	Amendment No. 2 May 1998	98-05-31	
14. IS 1248 (Part 1) : 1993	Amendment No. 1 March 1998	98-03-31	
15. IS 1462 : 1985	Amendment No. 3 April 1998	98-04-30	
16. IS 1660 (Part 1) : 1982	Amendment No. 4 May 1998	98-05-31	
17. IS 1667 : 1981	Amendment No. 2 April 1998	98-04-30	
18. IS 1850 : 1961	Amendment No. 1 May 1998	98-05-31	
19. IS 2586 : 1986	Amendment No. 1 May 1998	98-05-31	
20. IS 2062 : 1992	Amendment No. 4 May 1998	98-05-31	
21. IS 2593 : 1984	Amendment No. 1 March 1998	98-03-31	
22. IS 3196 (Part 1) : 1992	Amendment No. 2 April 1998	98-04-30	
23. IS 3224 : 1979	Amendment No. 8 May 1998	98-05-31	
24. IS 3327 : 1982	Amendment No. 1 April 1998	98-04-30	
25. IS 3851 : 1966	Amendment No. 2 April 1998	98-04-30	
26. IS 3892 : 1975	Amendment No. 1 April 1998	98-04-30	
27. IS 3985 : 1983	Amendment No. 1 May 1998	98-05-31	

1	2	3	4
28.	IS 4032 : 1985	Amendment No. 1 May 1998	98-05-31
29.	IS 4229 : 1992	Amendment No. 1 April 1998	98-04-30
30.	IS 4246 : 1992	Amendment No. 3 April 1998	98-04-30
31.	IS 4304 : 1976	Amendment No. 1 April 1998	98-04-30
32.	IS 4553 : 1983	Amendment No. 1 May 1998	98-05-31
33.	IS 5116 : 1996	Amendment No. 1 April 1998	98-04-30
34.	IS 6153 : 1971	Amendment No. 1 May 1998	98-05-31
35.	IS 6226 (Pt. 1) : 1994	Amendment No. 1 March 1998	98-03-31
36.	IS 6622 : 1972	Amendment No. 1 January 1998	98-01-31
37.	IS 7142 : 1995	Amendment No. 1 April 1998	98-04-30
38.	IS 8034 : 1989	Amendment No. 5 May 1998	98-05-31
39.	IS 8445 : 1991	Amendment No. 1 March 1998	98-03-31
40.	IS 8471 (Part 1) : 1977	Amendment No. 1 April 1998	98-04-30
41.	IS 8471 (Part 2) : 1977	Amendment No. 1 April 1998	98-04-30
42.	IS 8471 (Part 4) : 1977	Amendment No. 2 April 1998	98-04-30
43.	IS 8776 : 1988	Amendment No. 1 May 1998	98-05-31
44.	IS 9079 : 1989	Amendment No. 3 April 1998	98-04-30
45.	IS 9301 : 1990	Amendment No. 5 April 1998	98-04-30
46.	IS 10810 (Part 40) : 1984	Amendment No. 1 March 1998	98-03-31
47.	IS 10840 : 1994	Amendment No. 3 March 1998	98-03-31
48.	IS 11188 (Part 1) : 1991	Amendment No. 3 May 1998	98-05-31
49.	IS 11357 : 1985	Amendment No. 1 March 1998	98-03-31
50.	IS 12010 : 1987	Amendment No. 1 May 1998	98-05-31
51.	IS 12586 : 1988	Amendment No. 2 May 1998	98-05-31

1	2	3	4
52. IS 12671 : 1989	Amendment No. 1 May 1998		98-05-31
53. IS 12915 : 1990	Amendment No. 3 May 1998		98-05-31
54. IS 12936 : 1990	Amendment No. 1 April 1998		98-04-30
55. IS 13228 : 1991	Amendment No. 1 March 1998		98-03-31
56. IS 13229 : 1991	Amendment No. 1 April 1998		98-04-30
57. IS 13412 (Part 1) : 1992	Amendment No. 1 April 1998		98-04-30
58. IS 13901 (Part 2) : 1993	Amendment No. 1 March 1998		98-03-31
59. IS 13908 : 1993	Amendment No. 1 May 1998		98-05-31
60. IS 13947 (Pt. 5/Sec. 1) : 93	Amendment No. 1 September 1997		97-09-30
61. IS 14220 : 1994	Amendment No. 2 April 1998		98-04-30
62. IS 14263 : 1995	Amendment No. 1 May 1998		98-05-31

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras, and Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, and Thruvananthapuram.

[No. CMD/13 : 5]

B. MUKHERJI, Addl, Director General

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 5 अगस्त, 1998

का०प्र० 1595.—सरकारी परिसर (गैर-कानूनी कब्जा बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित तालिका के कालम (1) में उल्लिखित अधिकारी को सरकार के एक राजपत्रित अधिकारी की श्रेणी के समकक्ष अधिकारी होने के नाते, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है जो उक्त अधिनियम के द्वारा अथवा अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन, उक्त तालिका के कालम (2) में विनिर्दिष्ट सरकारी परिसर के सम्बन्ध में अधिकार क्षेत्र की स्थानीय सीमाओं के अन्तर्गत करेगा।

तालिका

अधिकारी का पदनाम	सरकारी परिसरों की कोटियां तथा अधिकार क्षेत्र की स्थानीय सीमाएं
(1)	(2)
संस्थान इंजीनियर, राष्ट्रीय औद्योगिक इंजीनियरी संस्थान, मुम्बई।	राष्ट्रीय औद्योगिक इंजीनियरी संस्थान, मुम्बई का अथवा उनके द्वारा पट्टे पर लिये गये अथवा अधिग्रहण किये गये परिसर और जो उसके प्रशासनिक नियंत्रण में हैं।

[एफ० सं० 4-10/98-टी०एस० 2]

डा० एस० डी० भावले, संयुक्त शिक्षा सलाहकार (तकनीकी)

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Education)

New Delhi, the 5th August, 1998

S.O. 1595.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoint the Officer mentioned in column (1) of the Table below, being the Officer equivalent to the rank of a gazetted officer of Government, to be the Estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed, on estate officer by or under the said Act, within the local limits of the jurisdiction in respect of the Public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of Public premises and local limits of jurisdiction
1	2
Institute Engineer National Institute of Industrial Engineering (NITIE) Mumbai	Premises belonging or taken or lease or requisition by or on behalf of the National Institute of Industrial Engineering. Mumbai and which are under its administrative control.

[F. No. 4-10/98-TS. II]

DR. S. D. AWALE, Jt. Educational Adviser (T)

कोयला मंत्रालय

नई दिल्ली, 3 अगस्त, 1998

का०आ० 1596.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड-3, उपखंड (ii), तारीख 28 सितम्बर, 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का०आ० सं० 2736 तारीख 13 सितम्बर, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में जिसका माप 475.268 हेक्टर (लगभग) या 1174.387 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी,

और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राय है।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 475.268 हेक्टर (लगभग) या 1174.387 एकड़ (लगभग) माप की भूमि में खनिजों के खनन, खदान, बोर करने के लिए उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं० एस ई सी एल/जी एस पी/जी एस (पी एल जी)/भूमि/ 211 तारीख 22 मई, 1998 का निरीक्षण कलक्टर, विलासपुर (म०प्र०) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लि० (राजस्व अनुभाग) सीपत रोड, विलासपुर-495006 (मध्य प्रदेश)।

टिप्पण 2: पूर्वोक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है:—
“8 अर्जन के प्रति आक्षेप—

(1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिक सूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

- (2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित रूप में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा मुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और उसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिनूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।
- (3) इस धारा के प्रयोजन के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3: केन्द्रीय सरकार ने भारत के राजपत्र भाग 2, खंड-3, उपखंड (ii) तारीख 4 अप्रैल, 1987 में पृष्ठ 1397—1400 तक पर प्रकाशित अधिनूचका का०आ० सं० 905 तारीख 20 मार्च, 1987 द्वारा कोयला नियंत्रक, 1, कार्डसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम की धारा 3 के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

विजय ब्लाक पहला विस्तार

सेन्टुरगढ़ कोल फील्ड

चिरीमिरी क्षेत्र

जिला बिलासपुर (मध्य प्रदेश)

खनन अधिकारी

ब्लाक “क”

वन भूमि

क्रम सं०	कम्पार्टमेंट सं	जेंज	डिवीजन	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	191	पसान	बिलासपुर	74.463	भाग
2.	195	पसान	बिलासपुर	286.197	भाग

कुल : 360.660 हेक्टेयर

राजस्व भूमि

क्रम सं०	ग्राम का नाम	पटवारी हल्का सं०	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	कण्डई विजाडांड का मोहल्ला	7	कटघोरा	बिलासपुर	76.405	संपूर्ण

कुल : 76.405 हेक्टेयर

ब्लाक “क” कुल : 437.065 हेक्टेयर

1. ग्राम कण्डई (सम्पूर्ण) में अर्जित किए जाने वाले प्लॉट संख्यांक :

1 से 4, 5/1, 5/2, 5/3, 5/4, 6, 7, 8, 9/6, 8/7, 8/8, 8/9, 8/10, 8/11, 8/12, 8/13, 8/14, 9 से 16, 17/1, 17/2, 18/1, 18/2, 18/3, 18/4, 19, 20/1, 20/2, 20/3, 20/4, 20/5, 21/1, 21/2, 22/1, 22/2, 23, 24, 25/1, 25/2, 26/1, 26/2, 26/3, 62 से 70, 72 से 79, 80/1, 80/2, 80/3, 81/1, 81/2, 82, 83, 84/1, 84/2, 84/3, 85 से 90, 91/1, 91/2, 92/1, 92/2, 92/3, 92/4, 92/5, 93 से 106, 107/1, 107/2, 108 से 119, 120/1, 120/2, 120/3, 121 से 124, 125/1, 125/2, 126 से 133, 134/2, 134/3, 134/4, 134/5, 134/6, 134/7, 134/8, 134/9, 134/11, 134/12, 135, 136।

सीमा वर्णन

ब्लॉक "क"

क—ख—ख-1

रेखा वन कम्पार्टमेंट सं० 190-91 की सम्मिलित सीमा पर बिन्दु "क" से प्रारम्भ होती है और वन कम्पार्टमेंट सं० 191, 195 में होकर जाती है तथा बिन्दु ख-1 पर मिलती है।

ख-1—ख-2—ख-3

रेखा कम्पार्टमेंट सं० 195 की पूर्व सीमा के साथ-साथ जाती है और बिन्दु "ख-3" पर मिलती है।

ख-3—ख-4—ख-5—ख-6—ग

रेखा ग्राम कण्डई की पूर्वी और दक्षिणी सीमा के साथ-साथ जाती है तथा बिन्दु "ग" पर मिलती है।

ग—घ—क

रेखा वन कम्पार्टमेंट सं० 195, 191 की पश्चिमी सीमा के साथ-साथ जाती है और प्रारम्भिक बिन्दु "क" पर मिलती है।

खतन अधिकार

ब्लॉक "ख"

राजस्व भूमि

क्रम सं०	ग्राम का नाम	पटवारी हल्का सं०	तहसील	जिला	हेक्टेयर में क्षेत्र	टिप्पणियां
1.	मुखबहरा बिजाडोड का मोहल्ला	7	कटघोरा	बिलासपुर	38.203	भाग

कुल : 38.203 हेक्टेयर

कुल योग ब्लॉक "क" और "ख" : 475.268 हेक्टेयर (लगभग)

या

1174.387 एकड़ (लगभग)

1. ग्राम मुखबहरा (भाग) में अर्जित किए जाने वाले प्लॉट सं० :

1/1, 1/2, 2 से 16, 17/1, 17/2, 17/3, 17/4, 17/5, 17/6, 17/7, 17/8, 17/9, 17/10, 17/11, 17/12, 17/13, 17/14, 17/15, 17/16, 17/17।

सीमा वर्णन

ब्लॉक "ख"

ड—ड-1—ड-2—ड-3—ड-4

रेखा बिन्दु ड से प्रारम्भ होती है और ग्राम मुखबहरा तथा कम्पार्टमेंट सं० 200 की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ड-4" पर मिलती है।

ड-4—च—च-1—च-2—च-3

रेखा ग्राम मुखबहरा और वन कम्पार्टमेंट सं० 105, 204 की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु च-3 पर मिलती है।

च-3—छ—ज—ड

रेखा मुखबहरा ग्राम से होकर जाती है और प्रारम्भिक बिन्दु "ड" पर मिलती है।

[सं० 43015/9/96—एल०एस०डब्ल्यू०/पी०आर०आई०डब्ल्यू०]

प्रेमाचन्द दास, निदेशक

New Delhi, the 3rd August, 1998

SO. 1596.—Whereas by the notification of the Government of India in the Ministry of Coal Number S. O. 2736 dated the 12th September, 1996 issued under sub-section (1) of section 4 of Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India Part-II Section 3, Sub-section (ii) dated 28th September, 1996 the Central Government gave notice of its intention to prospect for coal in 475.268 hectares (approximately) or 1174.387 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification ;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands:

Now, therefore, in exercise of the powers conferred by sub-section (1) : section 7 of the said Act, the Central Government, hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 475.268 hectares (approximately) or 1174.387 acres (approximately) described in the Schedule appended hereto.

Note 1 — The plan bearing number SECL/BSP/GM (PLG)/land/211 dated 22nd May, 1998 of the area covered by this notification may be inspected in the office of the Collector, Bilaspur (MP) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the South Eastern Coalfields Limited (Revenue Section) Secpat Road, Bilaspur-495006 (Madhya Pradesh).

Note 2 — Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provided as follows :—

“8. Objection to Acquisition—(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any as he thinks necessary, either made a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land to the Central Government containing his recommendations on the objection together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act”.

Note 3 — The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the Act, vide notification under S.O. No. 905, dated the 20th March, 1987 published in Part-II, Section-3, Sub-section(ii) of the Gazette of India, dated the 4th April, 1987, at pages 1397 to 1400.

SCHEDULE

VIJAY BLOCK 1ST EXTENSION SENDURGARH COALFIELDS CHIRMIRI AREA DISTRICT—BILASPUR (MADHYA PRADESH)

MINING RIGHTS

BLOCK—A,

FOREST LAND

Serial number	Compartment number	Range	Division	Area in hectares	Remarks
1.	191	Pasan	Bilaspur	74.463	Part
2.	195	Pasan	Bilaspur	286.197	Part
Total: 360.660 hectares					

REVENUE LAND

Serial number	Name of Village	Patwari halka number	Tahsil	District	Area in hectares	Remarks
1.	Kandai Mohalla of Bijadand		Katghora	Bilaspur	76.405	Full
Total: 76.405 hectares						
Block 'A' TOTAL: 437.065 hectares						

1. Plot numbers to be acquired in village Kandai (Full)

1 to 4, 5/1, 5/2, 5/3, 5/4, 6, 7, 8, 8/6, 8/7, 8/8, 8/9, 8/10, 8/11, 8/12, 8/13, 8/14, 9 to 16, 17/1, 17/2, 18/1, 18/2, 18/3, 18/4, 19, 20/1, 20/2, 20/3, 20/4, 20/5, 21/1, 21/2, 22/1, 22/2, 23, 24, 25/1, 25/2, 26/1, 26/2, 26/3, 62 to 70, 72 to 79, 80/1, 80/2, 80/3, 81/1, 81/2, 82, 83, 84/1, 84/2, 84/3, 85 to 90, 91/1, 91/2, 92/1, 92/2, 92/3, 92/4, 92/5, 93 to 106, 107/1, 107/2, 108 to 119, 120/1, 120/2, 120/3, 121 to 124, 125/1, 125/2, 126 to 133, 134/2, 134/3, 134/4, 134/5, 134/6, 134/7, 134/8, 134/9, 134/10, 134/11, 134/12, 135, 136.

Boundary Description

A—B—B1	Line starts from point 'A' on the common boundary of forest compartment number 190-191, then passes through forest compartment number 190, 195 and meets at point 'B1'.
B1—B2—B3	Line passes along the Eastern boundary of compartment number 195 and meets at point 'B3'.
B3—B4—B5—B6—C	Line passes along the Eastern and Southern boundary of village Kandai and meets at point 'C'.
C—D—A	Line passes along the Western boundary of forest compartment numbers 195, 191 and meets at the starting point.

MINING RIGHTS

BLOCK—'B'

REVENUE LAND

Serial Number	Name of Village	Patwari Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Sukhabadhara Mohalla Bijadand	7	Katghora	Bilaspur	38.203	Part
TOTAL : 38.203 hectares						

GRAND TOTAL BLOCK 'A' AND 'B' : 475.268 hectares (approximately)

OR

1174.387 acres (approximately)

1. Plot numbers to be acquired in village Sukhabadhara (Part)

1/1, 1/2, 2 to 16, 17/1, 17/2, 17/3, 17/4, 17/5, 17/6, 17/7, 17/8, 17/9, 17/10, 17/11, 17/12, 17/13, 17/14, 17/15, 17/16, 17/17.

Boundary Description

BLOCK 'B'

E—E1—E2—E3—E4	Line starts from point 'E' and passes along the common boundary of village Sukhabadhara and compartment number 200 and meets at point 'E4'.
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E4—F—F1—F2—F3	Line passes along the common boundary of village Sakhabahara and Forest compartment numbers 205, 204 and meets at point 'F3'.
F3—G—H—E	Line passes through Sukhabahara village and meets at the starting point 'E'.

[No. 43015/9/96-LSW/PRIW]
PREMANAND DAS, Director

नई दिल्ली, 3 अगस्त, 1998

का०आ० 1597.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वोक्त करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अंतर्गत आने वाले रेखांक सं० एस ई सी एल/बी एस पी/जी एम (पी एल जी)/भूमि/212 तारीख 6 जून, 1998 का निरीक्षण कलकटर, सरगुजा (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 के कार्यालय में या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग) सीपत रोड, बिलासपुर-495006 के कार्यालय में किया जा सकता है,

इस अधिसूचना के अंतर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चाटों और अन्य दस्तावेजों को इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर भारसाधक अधिकारी/विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 मध्य प्रदेश को भेजेंगे।

अनुसूची

बुधा ब्लॉक

भटगांव क्षेत्र

जिला—सरगुजा (मध्य प्रदेश)

रेखांक सं० एस ई सी एल/बी एस पी/जी एल (पी एल जी)/भूमि/212 तारीख 6 जून, 1998
(सर्वेक्षण के लिए अधिसूचित भूमि दर्शित हुए)

“क” राजस्व भूमि

क्रम सं०	ग्राम का नाम	ग्राम सं०	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	पडोली	140	वाड्डफनगर	सरगुजा	050.00	भाग
2.	बेलिया	205	वाड्डफनगर	सरगुजा	240.00	भाग
3.	डोगरा	109	वाड्डफनगर	सरगुजा	039.00	भाग
4.	बड़का गांव	169	वाड्डफनगर	सरगुजा	560.00	भाग
कुल : 889.00 हेक्टेयर						

“ख”—वन भूमि

क्रम सं०	वन का नाम	रेंज	डिविजन	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	बेलिया आरक्षित वन	प्रताप पुर	उत्तरी सरगुजा	110.00	भाग
2.	अल्का आरक्षित वन	धमनी	उत्तरी सरगुजा	800.00	भाग
कुल 910.00 हेक्टेयर					

कुल योग 1799.00 हेक्टेयर (लगभग) या
4445.33 एकड़ (लगभग)

सीमा वर्णन :

- क-ख : रेखा ग्राम बड़का गांव में बिन्दु “क” से आरंभ होती है और ग्राम पड़ोली से होकर जाती है और बिन्दु “ख” पर मिलती है ।
- ख-ग : रेखा पड़ोली, बेलिया डोगरा ग्रामों में होकर जाती है और बिन्दु “ग” पर मिलती है ।
- ग-घ : रेखा डोगरा, बेलिया ग्रामों और आरंभित तब ग्राम बड़का गांव से होकर जाती है और बिन्दु “घ” पर मिलती है ।
- घ-क : रेखा ग्राम बड़कागांव से होकर जाती है और प्रारंभिक बिन्दु “क” पर मिलती है ।

[सं० 43015/12/98-पी आर आई डब्ल्यू]

प्रेमानन्द दास, निदेशक

New Delhi, the 3rd August, 1998

S.O. 1597.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing number SECL/BSP/GM(PLG)/Land/212 dated 6th June, 1998 of the area covered by this notification can be inspected in the Office of the Collector, Surguja (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Department) Seepat Road, Bilaspur-495006 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Office-in-Charge/Head of the Department (Revenue) South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Madhya Pradesh) within ninety days from the date of publication of this notification.

SCHEDULE

DUBA BLOCK

BHATGAON AREA

DISTRICT—SURGUJA (MADHYA PRADESH)

Plan No ; SECL/BSP/GM(PLG)/Land/212 dated 6th June, 1998

(showing land notified for prospecting)

‘A’—REVENUE LAND

Serial number	Name of Village	Village number	Tahsil	District	Area in hectares	Remarks
1	Podoli	140	Wadrafnagar	Surguja	050.00	Part
2	Bellia	205	Wadrafnagar	Surguja	240.00	Part
3	Dogra	109	Wadrafnagar	Surguja	039.00	Part
4	Badkagaon	169	Wadrafnaaar	Surguja	560.00	Part

TOTAL ; 889.00 hectares

'B'—FOREST LAND

Serial number	Name of Forest	Range	Division	Area in hectares	Remarks
1.	Bellia Reserved Forest	Pratappur	North—Surguja	110.00	Part
2.	Alka Reserved Forest	Dhamni	North—Surguja	800.00	Part

TOTAL : 910.00 hectares

GRAND TOTAL : 1799.00 Hectares (approximately) OR
4445.33 Acres (approximately)

BOUNDARY DESCRIPTION

A—B	Line starts from point 'A' in village Badkagaon and passes through village Badkagaon, Reserved Forest, Village Podoli and meets at point 'B'.
B—C	Line passes through villages Podoli, Bellia, Dogra and meets at point 'C'.
C—D	Line passes through villages Dogra, Bellia and Reserved Forest then, village Badkagaon and meets at point 'D'.
D—A	Line passes through village Badkagaon and meets at starting point 'A'.

[No. 43015/12/98-PRIW]

PREMANAND DAS, Director

नई दिल्ली, 4 अगस्त, 1998

का०आ० 1598.—केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाग्रह अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है,

अतः अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है,

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं० एस ई सी एल/बी एस पी/जी एम (पी एल जी)/भूमि/20/तारीख 24 फरवरी, 1998 का निरीक्षण कलक्टर, रायगढ़, (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता-700001 में कार्यालय में या साउथ ईस्टर्न कोलफील्ड लिमिटेड, (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (मध्यप्रदेश) के कार्यालय में किया जा सकता है,

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिन के भीतर विभागाध्यक्ष (राजस्व) साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत रोड, बिलासपुर-495006 (मध्यप्रदेश) को भेजेंगे।

अनुसूची

कुडुमकेला ब्लॉक (भाग II)

मांड रायगढ़ कोयला क्षेत्र

जिला—रायगढ़ (मध्य प्रदेश)

[रेखांक सं० एस ई सी एल/बी एस पी/जी एम (पी एल जी)/भूमि/20/तारीख 24 फरवरी 1998 (पूर्वेक्षण के लिए अधिसूचित भूमि दर्शाते हुए)]

क्रम सं०	ग्राम का नाम	पटवारी हल्का सं०	तहसील	जिला	क्षेत्र हेक्टेयर में	टिप्पणियां
1.	कुडुमकेला	17	घरघोडा	रायगढ़	3162.221	संपूर्ण
2.	केसम घाट	17	घरघोडा	रायगढ़	451.772	संपूर्ण
3.	मुसल दा	16	घरघोडा	रायगढ़	1490.231	संपूर्ण
4.	पूरी	17	घरघोडा	रायगढ़	749.476	संपूर्ण
5.	घोघरा	17	घरघोडा	रायगढ़	094.963	संपूर्ण

कुल : 5948.663 हेक्टेयर (लगभग) या 14699.150 एकड़ (लगभग)

सीमा वर्णन

- क-ख-ग : रेखा आरक्षित वन और ग्राम पुरी की सम्मिलित सीमाओं पर बिन्दु "क" से आरंभ होती है तथा पुरी, कोसमघाट पुसलदा ग्रामों की उत्तरी सीमाओं के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।
- ग-घ : रेखा पुसलदा कुडुमकेला ग्रामों की पूर्वी सीमा के साथ साथ जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ : रेखा कुडुम केला ग्राम की दक्षिणी सीमा के साथ-साथ जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-च : रेखा कुडुम केला ग्राम की पश्चिमी सीमा के साथ साथ जाती है और बिन्दु "च" पर मिलती है।
- च-छ-क : रेखा पुरी ग्राम की दक्षिणी सीमा के साथ साथ फिर पश्चिमी सीमा के साथ साथ जाती है और प्रारंभिक बिन्दु "क" पर मिलती है।

[सं० 43015/10/98-पी आर आई डब्ल्यू]

प्रेमानन्द बास, निदेशक

New Delhi, the 4th August, 1998

S.O. 1598.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan bearing No : SECL/BSP/GM(Plg)/ Land /201, dated the 24th February, 1998, of the areas covered by this notification may be inspected in the Office of the Collector, Raigarh, (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street, Calcutta—700 001 or in the Office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of Section 13 of the said Act to the Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Madhya Pradesh) within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE**KUDUMKELA BLOCK (PART—II)****MAND RAIGARH COALFIELDS****DISTRICT RAIGARH (MADYA PRADESH)**

(Plan No : SECL/BSP/GM(Plg)/ Land 201
dated 20th February, 1998 (Showing
the land notified for prospecting)

S. No.	Name of Village	Patwari Halka Number	Tahsil	District	Area in hectares	Remarks
1.	Kudumkela	17	Gharghoda	Raigarh	3162.221	Full
2.	Kosumghat	17	Gharghoda	Raigarh	451.772	Full
3.	Pusalda	16	Gharghoda	Raigarh	1490.231	Full
4.	Puri	17	Gharghoda	Raigarh	749.476	Full
5.	Ghoghara	17	Gharghoda	Raigarh	094.963	Full

TOTAL : 5948.663 hectares (approximately) or 14699.150 acres (approx)

Boundary Description;

- A-B-C Line starts from point 'A' on the common boundary of Reserved Forest and village Puri and passes along the northern boundaries of villages Puri, Kosumghat, Pusalda and meets at point 'C'.
- C-D Line passes along the eastern boundary of villages Pusalda, Kudumela and meets at point 'D'.

D-E Line passes along the southern boundary of village Kudumkela and meets at point 'E'.

E-F Line passes along the western boundary of village Kudumkela and meets at point 'F'.

F-G-A Line passes along the southern boundary and western boundary of village Puri and meets at the starting point 'A'.

[No. 43015/10/98-PRIW]
[PREMANAND DAS, Director]

नई दिल्ली, 4 अगस्त, 1998

का०आ० 1599.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन भारत के राजपद भाग 2, खंड 3, उपखंड (ii) तारीख 17 अगस्त, 1996 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना सं० का०आ० 2399 तारीख 25 जुलाई, 1996 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि जिसका माप 5434.46 एकड़ (लगभग) या 2199.17 हेक्टेयर (लगभग) है, में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन उक्त भूमि की बाबत कोई सूचना नहीं दी गई है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 17 अगस्त, 1998 से प्रारंभ होने वाली एक वर्ष की और ऐसी अवधि के रूप में विनिर्दिष्ट करती है, जिसके भीतर केन्द्रीय सरकार उक्त भूमि या ऐसी भूमि में या उस पर के किन्हीं अधिकारों के अर्जन करने के अपने आशय की सूचना दे सकती है।

अनुसूची

करेडरी खंड

उत्तरी करनपुरा कोलफील्ड

जिला हजारीबाग

[डी आर जी सं० आर ई एफ/13/95 तारीख 7-7-1995]
(पूर्वेक्षण के लिए अधिसूचित भूमि दर्शित करते हुए)

क्रम सं०	ग्राम	थाना	थाना सं०	जिला	क्षेत्र एकड़ में	क्षेत्र हेक्टेयर में	टिप्पणी
1	2	3	4	5	6	7	8
1.	काछा	बरकागांव	7	हजारीबाग	145.00	58.68	भाग
2.	हवाई	बरकागांव	8	हजारीबाग	850.00	343.98	भाग
3.	भूधूरी	बरकागांव	9	हजारीबाग	270.00	109.26	भाग
4.	तीरहेसा	बरकागांव	10	हजारीबाग	150.00	60.70	भाग
5.	पांडा	बरकागांव	11	हजारीबाग	849.58	343.80	भाग
6.	बेलिया	बरकागांव	12	हजारीबाग	178.41	72.20	भाग
7.	टुण्डा	बरकागांव	13	हजारीबाग	70.00	28.33	भाग
8.	पागर	बरकागांव	19	हजारीबाग	96.00	38.85	भाग
9.	जमदारा	बरकागांव	27	हजारीबाग	95.23	38.54	भाग
10.	पावरा	बरकागांव	29	हजारीबाग	212.24	85.88	भाग

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
11.	अप्रोल	बरकागांव	30	हजारीबाग	480.00	194.25	भाग
12.	पाण्डेकुल्ली	बरकागांव	31	हजारीबाग	128.00	51.80	भाग
13.	बेल्लू	बरकागांव	32	हजारीबाग	600.00	242.80	भाग
14.	करदावार	बरकागांव	33	हजारीबाग	600.00	242.80	भाग
15.	उरुत	बरकागांव	41	हजारीबाग	65.00	26.30	भाग
16.	बेरोली	बरकागांव	42	हजारीबाग	415.00	167.94	भाग
17.	जोबरा	बरकागांव	43	हजारीबाग	35.00	14.16	भाग
18.	बासुरिया	बरकागांव	44	हजारीबाग	65.00	26.30	भाग
19.	सिखा	बरकागांव	46	हजारीबाग	130.00	52.60	भाग

कुल क्षेत्र : 5434.46 एकड़ (लगभग)

या

2199.17 हेक्टर (लगभग)

सीमा वर्णन :

- क-ख : रेखा टूण्डा और पगार ग्रामों से होकर जाती है और "ख" बिन्दु पर मिलती है ।
- ख-ग : रेखा ग्राम पगार से होकर जाती है फिर बलिया और पगार ग्रामों की भागत: सम्मिलित सीमा के साथ-साथ जाती है, ग्राम पाण्डा से होकर और भूधरी और ससारिका, हवाई और हरला ग्रामों की भागत: सम्मिलित सीमा के साथ-साथ पुनः जाती है, पावरा, जमदारा तथा बेल्लू ग्रामों से होकर जाती है (जो कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 की धारा 4(1) के अधीन अधिसूचना के लिए प्रस्तावित होहारो खंड के साथ भागत: सम्मिलित सीमा बनाती है) और बिन्दु "ग" पर मिलती है ।
- ग-घ : रेखा बेल्लू, करदावार, बेरोली, करदावार, बेरोली ग्रामों से होकर जाती है और फिर बेरोली और उरुत ग्रामों की भागत: सम्मिलित सीमा के साथ-साथ जाती है (जो कोयला धारा क्षेत्र (अर्जन और विकास) अधिनियम, 1957 की धारा 4(1) के अधीन अधिसूचना के लिए प्रस्तावित होहारो खंड के साथ भागत: सम्मिलित सीमा बनाती है) और बिन्दु "घ" पर मिलती है ।
- छ-डत्व-छ : रेखा बेरोली उरुत, सिनवा ग्रामों से होकर फिर वामुरिया और नबादिह ग्रामों की भागत: सम्मिलित सीमा के साथ-साथ जाती है, बासुरिया बेरोली और वामुरिया ग्रामों से होकर जाती है और बिन्दु "छ" पर मिलती है ।
- छ-ज : रेखा बेरोली ग्राम और एक अनामित ग्राम की भागत: सम्मिलित सीमा के साथ-साथ जाती है और बेरोली और जोबरा की सम्मिलित सीमा के साथ फिर जोबरा और बेल्लू ग्रामों से होकर जाती है और बिन्दु "ज" पर मिलती है ।
- ज-झ : रेखा बेल्लू अप्रोल, पाण्डेकुली काछा और हवाई ग्रामों से होकर जाती है और बिन्दु "झ" पर मिलती है ।
- झ-ञ-ट-क : रेखा हवाई भूधरी, हवाई भुगुरी, तोरहसा ग्रामों से होकर फिर एक अनामित ग्राम बलिया की भागत: सम्मिलित सीमा के साथ साथ जाती है, ग्राम टूण्डा से होकर और आरम्भिक बिन्दु "क" पर मिलती है ।

[फा०सं० 43015/25/95-एल०एस०डब्ल्यू०/पी०आर०आई०डब्ल्यू०]

प्रेमानन्द दास, निदेशक

New Delhi, the 4th August, 1998

S.O. 1599.—Whereas by the notification of Government of India in the Ministry of Coal No. S.O. 2399 dated the 25th July, 1996, published in the Gazette of India, Part II, section 3, sub-section (ii), dated the 17th August, 1996 under sub-section (1) of Section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for Coal in the land measuring 5434.46 acres (approximately) or 2199.17 hectares (approximately) in the locality specified in the Schedule appended to the notification;

And whereas in respect of the said land no notice under sub-section (1) of Section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 17th August, 1998, as the period within which the Central Government may give notice of its intention to acquire the said land or any rights in or over such land.

SCHEDULE

KEREDARY BLOCK

NORTH KARANPURA COALFIELDS

DISTRICT HAZARIBAGH

Drg. No. Ref/13/95, Dated 7-7-1995, (Showing land notified for prospecting)

S. No.	Village	Thana	Thana number	District	Area in acre	Area in hectare	Remarks
1.	Kachha	Barkagaon	7	Hazaribagh	145.00	58.68	Part
2.	Hawai	Barkagaon	8	Hazaribagh	850.00	343.98	Part
3.	Bhughuri	Barkagaon	9	Hazaribagh	270.00	109.26	Part
4.	Torhesa	Barkagaon	10	Hazaribagh	150.00	60.70	Part
5.	Panda	Barkagaon	11	Hazaribagh	849.58	343.80	Part
6.	Balia	Barkagaon	12	Hazaribagh	178.41	72.20	Full
7.	Tunda	Barkagaon	13	Hazaribagh	70.00	28.33	Part
8.	Pagar	Barkagaon	19	Hazaribagh	96.00	38.85	Part
9.	Jamdara	Barkagaon	27	Hazaribagh	95.23	38.54	Part
10.	Pabra	Barkagaon	29	Hazaribagh	212.24	85.88	Part
11.	Aprol	Barkagaon	30	Hazaribagh	480.00	194.25	Part
12.	Pandey-Kully	Barkagaon	31	Hazaribagh	128.00	51.80	Part
13.	Beltu	Barkagaon	32	Hazaribagh	600.00	242.80	Part
14.	Kardabar	Barkagaon	33	Hazaribagh	600.00	242.80	Part
15.	Urut	Barkagaon	41	Hazaribagh	65.00	26.30	Part
16.	Baroli	Barkagaon	42	Hazaribagh	415.00	167.94	Part
17.	Zobra	Barkagaon	43	Hazaribagh	35.00	14.16	Part
18.	Basuria	Barkagaon	44	Hazaribagh	65.00	26.30	Part
19.	Sirwa	Barkagaon	46	Hazaribagh	130.00	52.60	Part

Total Area: 5434.46 acres (approximately)

or 2199.17 hectares (approximately)

BOUNDARY DESCRIPTION:

- A—B line passes through villages Tunda and Pagar and meets at point 'B'.
- B—C line passes through village Pagar then passes along the part common boundary of villages Balia and Pagar, through village Panda and passes again along part common boundary of villages Bhughuri and Sasaria, Hawai and Harla through villages Pabra, Jamdara and Beltu (which forms part common boundary with Haharo Block proposed for notification U/s 4(1) of Coal Bearing Areas (Acquisition and Development) Act, 1957 and meets at point 'C'.
- C—D line passes through villages Beltu, Kardabar, Baroli, Kardabar, Baroli, then passes along the part common boundary of villages Baroli and Urut (which forms part common boundary with Haharo Block proposed for notification U/s 4(1) of the Coal Bearing Areas (Acquisition and Development) Act, 1957 and meets at point 'D'.
- D—E—F lines pass through villages Baroli, Urut, Sirwa then along the part common boundary of villages Basuria and Navadih, through villages Basuria, Baroli and Basuria and meet at point 'G'.
- G—H line passes along the part common boundary of villages Baroli and one un-named village and common boundary with Baroli and Zobra then through village Zobra and Beltu and meets at point 'H'.
- H—I line passes through villages Beltu, Aprol, Pandey-kully, Kachha and Hawai and meets at point 'I'.
- I—J—K—A lines pass through village Hawai, Bhughuri, Hawai, Bhughuri, Torhesa then along part common boundary of one un-named village and Balia through village Tunda and meet at starting point 'A'.

[No.43015/25/95—LSW/PR1W]

PREMANAND DAS, Director

नई दिल्ली, 5 अगस्त, 1998

का.आ. 1600:—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन भारत सरकार के कोयला मंत्रालय की अधिसूचना सं. का. आ. 3489, तारीख 3 दिसम्बर, 1996 जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 14 दिसम्बर, 1996 में प्रकाशित उस अधिसूचना से संलग्न आसूची में विनिर्दिष्ट परिक्षेत्र की भूमि और उन पर के अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि :

(क) इससे संलग्न अनुसूची "क" में वर्णित 208.13 हैक्टर (लगभग) या 514.31 एकड़ (लगभग) माप की भूमि पर, और

(ख) अनुसूची "ख" में वर्णित 2.23 हैक्टर (लगभग) या 5.51 एकड़ (लगभग) वाली माप की भूमि में खनिजों के खनन, खदान, बोर करने, निष्कासन के लिए उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित करने चाहिए।

अतः अब केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वह घोषणा करती है कि :—

(क) उक्त संलग्न अनुसूची "क" में वर्णित 208.13 हैक्टर (लगभग) या 514.31 एकड़ (लगभग) माप की भूमि पर, और

(ख) संलग्न अनुसूची "ख" में वर्णित 2.23 हैक्टर (लगभग) या 5.51 एकड़ (लगभग) वाली भूमि में खनिजों के खनन, खदान, बोर करने, निष्कासन के लिए उनकी खुदाई करने और तलाश करने उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. सी-1 (ई) III जे जे एम आर/637—1197 तारीख 12 नवम्बर 1997 का निरीक्षण कलक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक 1, काउन्सिल हाउस, स्ट्रीट, कलकत्ता के कार्यालय में या वैस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग) कोल इस्टेट सिविल लाइन्स, नागपुर—440001 में किया जा सकता है।

अनुसूची "क"

नवीन कनाडा ब्लाक

माजरी क्षेत्र

जिला—चन्द्रपुर (महाराष्ट्र)

रेखांक सं. सी-1 (ई) III जे जे एम आर/637—1197 तारीख 12 नवम्बर 1997

सभी अधिकार

क्रम सं.	ग्राम का नाम	पटवारी सर्फिल सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणियां
1.	देउलवाडा	4	भद्रावती	चन्द्रपुर	94.92	भाग
2.	चारगांव	28	भद्रावती	चन्द्रपुर	34.78	भाग
3.	कुनाडा	28	भद्रावती	चन्द्रपुर	78.43	भाग
कुल क्षेत्र				208.13 हैक्टर (लगभग)		
				या		
				514.31 एकड़ (लगभग)		

ग्राम देउलवाडा में अर्जित किए गए प्लॉट सं. :—25 से 31, 32/1—32/2क—32/2ख, 34 37, 38/1—38/2 38/3, 39/1,—39/2क. 39/2ख, भाग, 40 से 43, 44/1—44/2, 45, 46, 395 से 398, 416, 417/1—417/2,—417/3—417/4,—417/5, 417/6, 417/7, 418, 419/1—419/2—419/3—419/4—4195—419/6, 420/2, 421 से 424, 426, 427/1, —427/2, 428, 429/1—429/2, 430/1—430/2 431/1—431/2, 432, 433/1—433/2, 434 से 436, 437/1—437/2, 438, 439, सड़क भाग

ग्राम चारगांव में अर्जित किए गए प्लॉट सं. :—82/1, 82/2—82/3—83/4 भाग, 83/1—83/2, 86 से 89, 90/1, 90/2, 91 से 95, 98 भाग, 113 से 115, 116/1—116/3, 117, 118/1—118/2

ग्राम कुनाडा में अर्जित किए गए प्लॉट सं. :—152/1—152/2, 154/1—154/2, 155/1—155/2, 156 से 159, 160/1—160/2, 161, 162/1—162/2, 163, 164/1—164/2, 165/1—165/2—165/3, 166, 168/1—168/2—168/3, 169/1—169/2, 170, 171, 172/1—172/2—172/3, 173/1—173/2, 174, 175, 1—175/2, 176/1—176/2, 177/1—177/2—177/3, 178/1—178/2—178/3, 179/1—179/2, 180, 181, 194/1—194/2 भाग, 195/1—195/2, 196 से 198, 199/1—199/2—199/3, 200/1—200/2—200/3, 201/1—201/2—201/3, 256/1—256/2, सड़क भाग

सीमा वर्णन :

- क-ख : रेखा बिन्दु “क” से आरंभ होती है और कुनाडा और पारगांव ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है, फिर प्लॉट सं० 152/1—152/2, 155/1—155/2, 154/1 154/2 की बाहरी सीमा के साथ-साथ ग्राम कुनाडा से होकर आगे बढ़ती है, फिर प्लॉट सं० 166, 165/1—165/2—165/3, 168/1—168/2—168/3, 181 180 की बाहरी सीमा के साथ-साथ जाती है, सड़क पार करती है, फिर प्लॉट सं० 194/1—194/2 में जात है और प्लॉट सं० 256/1—256/2 की बाहरी सीमा के साथ-साथ जाती है तथा बिन्दु “ख” पर मिलती है ।
- ख-ग-घ : रेखा प्लॉट सं० 256/1—256/2, 200/1—200/2—200/3, 201/1—201/2—201/3 की बाहरी सीमा के साथ-साथ ग्राम कुनाडा से होकर जाती है, फिर देउलवाडा और कुनाडा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है और बिन्दु “घ” पर मिलती है ।
- घ-ङ-च-छ : रेखा ग्राम देउलवाडा के प्लॉट सं० 46, 45, 40 39/1—39/2क- 39/2ख की बाहरी सीमा के साथ-साथ प्लॉट सं० 39/1, 39/2क—39/2ख में से होकर जाती है और प्लॉट सं० 36, 35, 34 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु छ पर मिलती है ।
- छ-ज : रेखा ग्राम देउलवाडा के प्लॉट सं० 34, 32/1—32/2क—32/2ख, 25, 26 की बाहरी सीमा के साथ-साथ जाती है, सड़क पार करती है, फिर प्लॉट सं० 439, 438, 428, 427/1—427/2, 426, 424 की बाहरी सीमा के साथ-साथ जाती है, सड़क पार करती है तथा सड़क की बाहरी सीमा के साथ, प्लॉट सं० 395, 397, 398, 397, 396 सड़क प्लॉट सं० 416 के साथ-साथ आगे बढ़ती है और बिन्दु “ज” पर मिलती है ।
- ज-झ : रेखा कुनाडा और देउलवाडा, चारगांव और देउलवाडा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है तथा बिन्दु “झ” पर मिलती है ।
- झ-ञ : रेखा ग्राम चारगांव के प्लॉट सं० 118/1—118/2, 115, 113, 114, 98 की बाहरी सीमा के साथ-साथ होकर जाती है और बिन्दु “ञ” पर मिलती है ।
- ञ-क : रेखा ग्राम चारगांव में प्लॉट सं० 98 से होकर जाती है, फिर प्लॉट सं० 95 की बाहरी सीमा के साथ-साथ प्लॉट सं० 82/2—82/3—82/4 में से होकर आगे बढ़ती है, तब प्लॉट सं० 82/—82/3—82/4, 82/1, 83/1—83/2, 87, 86 की बाहरी सीमा के साथ-साथ आगे बढ़ती है, फिर कुनाडा और चारगांव ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ आगे बढ़ती है तथा आरंभिक बिन्दु “क” पर मिलती है ।

अनुसूची—ख

नवीन कुनाडा ब्लॉक

माजरी क्षेत्र

जिला—चन्द्रपुर (महाराष्ट्र)

रेखांक संख्या सी-1 (ई) III/जे जे एम आर/637-1197 तारीख 12 नवम्बर, 1997

खनन अधिकार

क्र० सं०	ग्राम का नाम	बटवारी सफिल सं०	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	देउलवाडा	4	भद्रावती	चन्द्रपुर	2.23	भाग
कुल क्षेत्र 2.23 हेक्टर (लगभग)						
या						
5.51 एकड़ (लगभग)						

ग्राम देउलवाडा में अजित किए गए प्लॉट सं० :—

47 भाग, 48

सीमा वर्णन :—

ग-घ : रेखा बिन्दु 'ग' से आरंभ होती है और देउलवाडा तथा कुनाडा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बिन्दु 'घ' पर मिलती है।

घ-ड : रेखा प्लॉट संख्यांक 47, 48 को बाहरी सीमा के साथ-साथ ग्राम देउलवाडा

घ-ग : से होकर जाती है फिर प्लॉट सं. 47 में तथा आरंभिक बिन्दु 'ग' पर मिलती है।

[सं. 43015/2/93-एल.एस.डब्ल्यू./पी.आर.आई.डब्ल्यू]

प्रेमानन्द दास, निदेशक

New Delhi, the 5th August, 1998

S.O. 1600.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 3409 dated the 3rd December, 1996 under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Part II, Section-3, Sub-Section (ii), dated the 14th December, 1996, the Central Government gave notice of its intention to acquire lands and rights in the locality specified in the Schedule annexed to that notification ;

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government ;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that :—

- the lands measuring 208.13 hectares (approximately) or 514.31 acres (approximately) in All Rights described in Schedule "A" appended hereto , and
- the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 2.23 hectares (approximately) or 5.51 acres (approximately) in Mining Rights described in Schedule "B" appended hereto ;

should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that —

- the lands measuring 208.13 hectares (approximately) or 514.31 acres (approximately) in All Rights described in the said Schedule "A", appended hereto, and
- the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 2.23 hectares (approximately) or 5.51 acres (approximately) in Mining Rights, described in Schedule "B" appended hereto ;

are hereby acquired.

The Plan bearing number C-I (E) III/JJMR/637-1197 dated the 12th November, 1997 of the area covered by this notification may be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the western Coalfields Limited (Revenue Section), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra),

SCHEDULE 'A'
NAVIN KUNADA BLOCK
MAJRI AREA

DISTRICT CHANDRAPUR (MAHARASHTRA)

Plan No. C-I (E) III/JJMR/637-1197 dated the 12th November, 1997.

All Rights

Serial number	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Deulwada	4	Bhadrawati	Chandrapur	94.92	Part
2.	Chargaon	28	Bhadrawati	Chandrapur	34.78	Part
3.	Kunada	28	Bhadrawati	Chandrapur	78.43	Part

Total area : 208.13 hectares
(approximately)
or
514.31 acres
(approximately)

Plot numbers acquired in village Deulwada :—25 to 31, 32/1-32/2A-32/2B, 34 to 37, 38/1-38/2-38/3, 39/1-39/2A-39/2B part, 40 to 43, 44/1-44/2, 45, 46, 395 to 398, 416, 417/1-417/2-417/3-417/4-417/5-417/6-417/7, 418, 419/1-419/2-419/3-419/4-419/5-419/6, 420/1-420/1, 421 to 424, 426, 427/1-427/2, 428, 429/1-429/2, 430/1-430/2, 431/1-431/2, 432, 433/1-433/2, 434 to 436, 437/1-437/2, 438, 439, Road part.

Plot numbers acquired in village Chargaon :—82/1, 82/2-82/3-82/4, Part, 83/1-83/2, 86 to 89, 90/1, 90/2, 91 to 95, 98 part, 113 to 115, 116/1-116/2, 117, 118/1-118/2.

Plot numbers acquired in village Kunada :—152/1-152/2, 154/1-154/2, 155/1-155/2, 156 to 159, 160/1-160/2, 161, 162/1-162/2, 163, 164/1-164/2, 165/1-165/2-165/3, 166, 168/1-168/2-168/3, 169/1-169/2, 170, 171, 172/1-172/2-172/3, 173/1-173/2, 174, 175, 175/1-175/2, 176/1-176/2, 177/1-177/2-177/3, 178/1-178/2-178/3, 179/1-179/2, 180, 181, 194/1-194/2 part, 195/1-195/2, 196 to 198, 199/1-199/2-199/3, 200/1-200/2-200/3, 201/1-201/2-201/3, 256/1-256/2, Road part.

Boundary description :

A—B : Line starts from point 'A' and passes along the common village boundary of villages Kunada and Chargaon, then proceeds through village Kunada along the outer boundary of plot numbers 152/1-152/2, 155/1-155/2, 154/1-154/2, crosses road, then passes along the outer boundary of plot numbers 166, 165/1-165/2-165/3, 168/1-168/2-168/3, 181, 180, crosses road, then passes in plot number 194/1-194/2 and passes along the outer boundary of plot number 256/1-256/2 and meets at point 'B'.

B—C—D : Line passes through village Kunada along the outer boundary of plot numbers 256/1-256/2, 200/1-200/2-200/3, 201/1-201/2-201/3, then proceeds along the common village boundary of villages Deulwada and Kunada and meets at point 'D'.

D—E—F—G : Line passes through village Deulwada along the outer boundary of plot numbers 46, 45, 40, 39/1-39/2A-39/2B in plot number 39/2-39/2A-39/2B and passes along the outer boundary of plot numbers 36, 35, 34 and meets at point 'G'.

G—H : Line passes through village Deulwada along the outer boundary of plot numbers 34, 32/1-32/2A-32/2B, 25, 26, crosses road then passes along the outer boundary of plot numbers 439, 438, 428, 427/1, 427/2, 426, 424, crosses road and proceeds along the outer boundary of road, plot numbers 395, 397, 398, 397, 396, road, plot number 416 and meets at point 'H'.

- H—I : Line passes along the common village boundary of villages Kunada and Deulwada, Chargaon and Deulwada and meets at point 'I'.
- I—J : Line passes through village Chafgaon along the outer boundary of plot number 118/1-118/2, 115, 113, 114, 98 and meets at point 'J'.
- J—A : Line passes through village Chargaon in plot number 98, then proceeds along the outer boundary of plot number 95, in plot number 82/2-82/3-82/4 then proceeds along along the outer boundary of plot numbers 82/2-82/3-82/4, 82/1, 83/1-83/2, 87, 86, then proceeds along the common village boundary of villages Kunada and Chargaon and meets at starting point 'A'.

SCHEDULE 'B'

NAVIN KUNADA BLOCK

MAJRI AREA

DISTRICT CHANDRAPUR (MAHARASHTRA)

(Plan No. C-I (E) III/JJMR/637-1197 dated the 12th November, 1997).

Mining Rights

Serial number	Name of Village	Patwari circle number	Tahsil	District	Area in hectares	Remarks
1.	Deulwada	4	Bhadrawati	Chandrapur	2.23	Part
Total Area :					2.23 hectares (approximately)	or 5.51 acres (approximately)

Plot numbers acquired in Village Deulwada —47 Part, 48

Boundary description :

- C—D : Line starts from point 'C' and passes along the common village boundary of villages Deulwada and Kunada and meets at point 'D'.
- D—E—F—C : Line passes through village Deulwada along the outer boundary of plot numbers 47, 48, then in plot number 47 and meets at starting point 'C'.

[No. 43015/2/93-LSW/PRIW]
PREMANAND DAS, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 21 जुलाई, 1998

का०आ०. 1601.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (क) के अनुसरण में और मणिपुर सरकार के साथ परामर्श करने के बाद डा० एम. अमुस्ता सिंह, अपर निदेशक (पी/एफ.), चिकित्सा और स्वास्थ्य सेवाएं, मणिपुर को 14 जून, 1998 से भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में मनोनीत किया है।

2. अतः अब उक्त अधिनियम की धारा 3 की उप-धारा (1) के उपबंधों के अनुसरण में केन्द्र सरकार एवं भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 19 जनवरी, 1960 की अधिसूचना का.आ.सं. 138 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “धारा-3 की उपधारा (1) के खंड (क) के अधीन मनोनीत” शीर्षक के अधीन क्रम संख्या 20 और उससे संबंध प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियां रखी जाएंगी, अर्थात् :—

“20. डा० एम० अमुस्ता सिंह,
संयुक्त निदेशक,
चिकित्सा निदेशालय, लीफेल्फट,
इम्फाल, मणिपुर”

[सं. बी.-11013/8/93-एम०ई० (यू.जा.)]

एम०के० मिश्रा, डैस्क अधिकारी

पाद टिप्पण :—प्रधान अधिसूचना का.आ. संख्या 138, दिनांक 9-1-60 के द्वारा प्रकाशित की गई थी।

MINISTRY OF HEALTH AND FAMILY WELFARE

नई दिल्ली, 31 जुलाई, 1998

(Department of Health)

New Delhi, the 21st July, 1998

S.O. 1601.—Whereas the Central Government in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), and in consultation with the Government of Manipur have nominated Dr. M. Amusna Singh, Additional Director (P/F), Medical and Health Services, Manipur to be a member of Medical Council of India with effect from 14th June, 1998;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1968, namely :—

In the said notification, under the heading “nominated” under clause (a) of sub-section (1) of section 3 for serial number 20 and the entries relating thereto, the following serial number and entries shall be substituted, namely :—

“20. Dr. M. Amusna Singh,
Joint Director,
Health Services,
Medical Directorate, Lauphelpat,
Imphal, Manipur.”

[No. V-11013/8/98-ME(UG)]

S. K. MISHRA, Desk Officer

Foot Note.—The principal notification was published vide S.O. No. 138, dated 9-1-60.

का०आ० 1602.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के पश्चात् एतद्वारा उक्त नियम को अनुसूची के भाग 1 में निम्नलिखित और संशोधन करती है; नामतः—

उक्त अनुसूची के भाग 1 में, क्रम संख्या 46 (सौराष्ट्र विश्वविद्यालय) और उससे सम्बन्धित प्रविष्टियों के बाद निम्नलिखित क्रम संख्या और प्रविष्टियां जोड़ी जाएंगी, नामतः—

1	2	3
“47. अमरावती विश्व-विद्यालय ।	दन्त, शल्यचिकित्सा स्नातक ।	बी०डी०एस०, अमरावती । अमरावती विश्वविद्यालय के सम्बन्ध में यह अर्हता तभी एक मान्यताप्राप्त अर्हता होगी यदि यह मई, 1993 को या उसके बाद निम्नलिखित के सम्बन्ध में प्रदान की जाए :—
		(i) विश्व युवा कल्याण सोसायटी डेंटल कालेज, अमरावती ।
		(ii) जमना लाल गोयंका डेंटल कालेज, अकोला

[सं. बी. 12018/2/96-पी.एम.एस.]
सी. एस. भट्टिया, अवर सचिव

New Delhi, the 31st July, 1998

S.O. 1602.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part I of the Schedule to the said Act, namely:—

In part I of the said Schedule, after serial number 46, (Saurashtra University) and the entries relating thereto, the following serial number and entries shall be added, namely:—

1	2	3
“47. Amravati University	Bachelor of Dental Surgery	B.D.S. Amravati. This qualification shall be a recognised dental qualification in respect of Amravati University when granted on or after May, 1993 in respect of (i) Vidarbha Youth Welfare Society's Dental College, Amravati. (ii) Jamanalal Goenka Dental College, Akola.

[No. V.12018/2/96-PMS]

C. L. BHATIA, Under Secy.

शहरी कार्य और रोजगार मंत्रालय

(संपदा निदेशालय)

नई दिल्ली, 17 जुलाई, 1998

का.आ.1603 केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे की सारणी के स्तम्भ (1) में वर्णित अधिकारियों को, जो सरकार के एक राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए संपदा अधिकारी नियुक्त करती है जो उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थान का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
कार्यपालक इंजीनियर, जयपुर, केन्द्रीय प्रभाग-1, केन्द्रीय लोक निर्माण विभाग	जयपुर स्थित केन्द्रीय सरकार के स्वामित्वाधीन या नियंत्रणाधीन सभी साधारण पूल निवास स्थान

[सं. 11013/1/98-पी.ओ.एल.-I]

आर. डी. सहाय, उप-निदेशक, संपदा (नीति)

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT

(Directorate of Estates)

New Delhi, the 17th July, 1998

S. O. 1603.—In exercise of the powers conferred by section-3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being Gazette Officer of Government, to be Estate Officer for the purpose of the said Act who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act, within

the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer limits of jurisdiction	Category of Public premises and local limits of jurisdiction
(1)	(2)
The Executive Engineer, Jaipur Central Division-I, Central Public Works Department controlled by Central Government.	All General Pool residential accommodation at Jaipur owned or controlled by Central Government.

[No. 11013/1/98-Pol. I]

R. D. SAHAY, Dy. Director of Estates (Policy)

नई दिल्ली, 31 जुलाई, 1998

का.आ. 1604.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे दी गई सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को, जो सरकार का राजपत्रित अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तम्भ (2) में तत्स्थानी प्रविष्टि में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थान का प्रवर्ग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
सहायक संपदा प्रबन्धक, केन्द्रीय सरकार के मुखर्ई।	स्वामित्वाधीन या नियंत्रणाधीन मुखर्ई स्थित सभी साधारण पूल आवास।

[फा. सं. 21012/1/98-पी.ओ.एल.-I]

आर. डी. सहाय, उप निदेशक, संपदा (नीति)

New Delhi, the 31st July, 1998

S.O.1604.—In exercise of the powers conferred by section-3 of the Public Premises (Eviction of Unauthorised Occupants; Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being Gazetted Officer of Government to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act, within the local limits of his jurisdiction, in respect of the public premises specified at corresponding entry in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of Public premises and local limits of jurisdiction
1	2
Assistant, Estate Manager, Mumbai	All General Pool accommodations at Mumbai owned or controlled by Central Government at Mumbai

[No. 21012/1/98-Pol. I]

R.D. SAHAY, Dy. Director of Estates (Policy)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 20 मई, 1998

का० आ० 1605.—चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 7 व 8 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा-5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए, तथा इस मंत्रालय की दिनांक 10-4-97 और 11-4-97 की समसंख्यक अधिसूचना के अनुक्रम में केन्द्र सरकार, निम्नलिखित व्यक्तियों को केन्द्रीय फिल्म प्रमाणन बोर्ड के चेन्नई सलाहकार पैनल के सदस्य के रूप में 2 वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, नियुक्त करती है :—

1. सुश्री सुगन्ती शेपाद्री
2. श्रीमती मंजुला रमेश
3. श्रीमती सबिता राधाकृष्णा
4. श्रीमती इन्दुमति
5. श्रीमती पी० सुशीला
6. श्रीमती कौसल्या जवाहर
7. श्रीमती मृजाता राव
8. श्रीमती ललिता मुभाष
9. श्रीमती जेया रंगनाथन
10. श्री आर०एस० मनोहर
11. श्री फिलिप थोमस
12. श्री वेंनीरादई मूर्ति
13. श्री के० बालाजी
14. श्री ए०वी० श्रीनिवासन

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 20th May, 1998

S.O. 1605.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in continuation of this Ministry's Notification of even number dt. 10-4-97 and 11-4-97, the Central Government is pleased to appoint the following persons as members of the Chennai Advisory Panel of the Central Board of Film Certification with immediate effect for a period of 2 years or until further orders, whichever is earlier :—

1. Ms. Suganthi Seshadri
2. Mrs Manjula Ramesh
3. Mrs Sabitha Radhakrishna
4. Mrs Indumathi
5. Mrs. P. Susheela
6. Mrs Kausalya Jawahar
7. Mrs Sujatha Rao
8. Mrs Lalitha Subash
9. Mrs Jeya Ranganathan
10. Sh. R. S. Manohar
11. Sh. Philip Thomas
12. Sh. Venniraadai Murthy
13. Sh. K. Balaje
14. Sh. A. V. Srinivasan.

[फा० संख्या 809/3/96-एफ(सी)]

आई०पी० मिश्रा, डेस्क अधिकारी

!File No. 809/3/96-F(C)]

I. P. MISHRA (Desk Officer)

संचार मंत्रालय

(दूरसंचार विभाग)

(राजभाषा अनुभाग)

नई दिल्ली, 10 जुलाई, 1998

को०श्रा० 1606.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10(4) के अनुसरण में संचार मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है।

मध्य प्रदेश परिमण्डल, भोपाल

1. कार्यपालक अभियन्ता (दूरसंचार विद्युत), दूरसंचार विद्युत मण्डल, जबलपुर।
2. विभागीय तारघर, अरेरा कालोनी, भोपाल।
3. विभागीय तारघर, हमीदिया रोड़, भोपाल।
4. विभागीय तारघर, वल्लभ भवन, भोपाल।
5. दूरसंचार जिला अभियन्ता, बालाघाट।
6. दूरसंचार जिला प्रबन्धक, बेवास।
7. दूरसंचार जिला प्रबन्धक, खण्डवा।
8. मण्डल अभियन्ता (बाह्य प्रथम), जबलपुर।
9. मण्डल अभियन्ता (बाह्य द्वितीय), जबलपुर।
10. मण्डल अभियन्ता (आन्तरिक), जबलपुर।
11. मण्डल अभियन्ता (क्राबार), जबलपुर।
12. मण्डल अभियन्ता (टेक्स), जबलपुर।
13. मण्डल अभियन्ता (योजना), जबलपुर।
14. मण्डल अभियन्ता (संस्थापन), जबलपुर।
15. मण्डल अभियन्ता (फोन्स), जबलपुर।
16. मण्डल अभियन्ता (फोन्स), कटनी।
17. उपमण्डल अभियन्ता (फोन्स), कटनी।
18. उपमण्डल अभियन्ता (फोन्स, प्रथम), जबलपुर।
19. उपमण्डल अभियन्ता (फोन्स, द्वितीय), जबलपुर।
20. उपमण्डल अभियन्ता (फोन्स, तृतीय), जबलपुर।
21. उपमण्डल अभियन्ता (फोन्स, चतुर्थ), जबलपुर।

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22. उपमण्डल अभियन्ता (फोन्स, पंचम), जबलपुर।
23. उपमण्डल अभियन्ता (ट्रक), जबलपुर।
24. उपमण्डल अधिकारी (तार), खण्डवा/बुरहानपुर।
25. उपमण्डल अधिकारी (फोन्स), खण्डवा/बुरहानपुर।
26. विभागीय तारघर, खण्डवा/बुरहानपुर।
27. दूरसंचार जिला अभियन्ता, विदिशा।
28. उपमण्डल अधिकारी तार, विदिशा/रायसेन/गंजबामोदा/बरेली।
29. उपमण्डल अधिकारी (फोन्स), विदिशा।
30. विभागीय तारघर, रायसेन/गंजबामोदा।
31. उपमण्डल अधिकारी (तार), छिन्दवाड़ा/पांछुर्णा/परभिया।
32. उपमण्डल अधिकारी (फोन्स), छिन्दवाड़ा।
33. दूरसंचार जिला प्रबन्धक, मदसौर।
34. उपमण्डल अधिकारी (फोन्स), मदसौर।
35. उपमण्डल अभियन्ता (फोन्स), मदसौर।
36. उपमण्डल अधिकारी (तार), नीमच/शामगढ़।
37. उपमण्डल अधिकारी (फोन्स), नीमच।
38. उपमण्डल अभियन्ता (फोन्स), नीमच।
39. तारघर मदसौर/नीमच।
40. महाप्रबन्धक, दूरसंचार (विकास योजना), इन्दौर।
41. मण्डल अभियन्ता (फोन्स), सागर।
42. उपमण्डल अभियन्ता (तार), सागर/बीना।
43. उपमण्डल अभियन्ता (फोन्स), सागर।
44. उपमण्डल अभियन्ता टेक्स/एफ०श्रा०एम०/एन०आई० एस०, सागर।
45. दूरसंचार जिला अभियन्ता, बस्तर (जगदलपुर)।
46. उपमण्डल अधिकारी (फोन्स), जगदलपुर।
47. उपमण्डल अधिकारी, तार, कांकेर/बसेली।
48. दूरसंचार जिला अभियन्ता, रीवा।
49. उपमण्डल अधिकारी (फोन्स), रीवा।

50. उपमण्डल अभियन्ता (फोन्स), रीवा ।
51. उपमण्डल अधिकारी (तार), रीवा/मीधी/सिगरौली ।
52. उपमण्डल अधिकारी (तार), सतना ।
53. उपमण्डल अधिकारी (फोन्स), सतना ।
54. उपमण्डल अभियन्ता (दूरसंचार), सतना ।
55. उपमण्डल अभियन्ता (समूह), पन्ना ।
56. दूरसंचार जिला प्रबन्धक, दुर्ग ।
57. दूरसंचार जिला अभियन्ता, राजनांदगांव ।
58. उपमण्डल अधिकारी (तार), दुर्ग ।
59. उपमण्डल अधिकारी (फोन्स), भिलाई/राजनांदगांव ।
60. तारघर, दुर्ग ।
61. दूरसंचार जिला अभियन्ता, बैतूल ।
62. उपमण्डल अधिकारी (तार), बैतूल/मुलताई/पाघाखेड़ा
63. क्षेत्रीय प्रबन्धक (दूरसंचार), (उत्तर/वर्धन), इन्दौर
64. उपमण्डल अधिकारी (फोन्स), बैतूल ।
65. दूरसंचार जिला अभियन्ता, ब्यावरा ।
66. उपमण्डल अभियन्ता, ब्यावरा/राजगढ़/मारंगपुर ।
67. दूरसंचार जिला अभियन्ता, नरसिंहपुर ।
68. उपमण्डल अधिकारी (फोन्स), नरसिंहपुर/मिबनी ।
69. उपमण्डल अधिकारी (तार), नरसिंहपुर/करेली/गड़वारा/सिवनी ।
70. उपमण्डल अधिकारी (फोन्स), प्रथम एवं द्वितीय बिलासपुर ।
71. उपमण्डल अभियन्ता (आन्तरिक), प्रथम एवं तृतीय ट्रंक, 110-बी, बिलासपुर ।
72. मण्डल अभियन्ता (फोन्स), कोरबा ।
73. उपमण्डल अधिकारी (तार), बिलासपुर/पिंडा रोड/कोरबा/कलतरा ।
74. उपमण्डल अधिकारी (फोन्स), कोरबा ।

दूरसंचार भण्डार कार्यालय, कलकत्ता

1. नियंत्रक, दूरसंचार भण्डार कार्यालय, नेताजी नगर, नई दिल्ली—23 ।

[सं० ई-11016/1/98-सं०भा०]

आर०डी० मासीवाल, निदेशक (राजभाषा)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunication)

(Official Language Section)

New Delhi, the 10th July, 1998

S.O. 1606.—In pursuance of rule 10(4) of the Official Language (use for official purpose of the union), rules, 1976 the Central Government hereby notifies following offices under the administrative control of Ministry of Communications, Department of Telecommunications where of more than 80 per cent staff have acquired working knowledge of Hindi—

Madhya Pradesh Circle, Bhopal

1. Executive Engineer (Telecom Electrical) Telecom Electrical Division, Jabalpur.
2. Departmental Post Office, Area Colony, Bhopal.
3. Departmental Post Office, Hameadia Road, Bhopal.
4. Departmental Post Office, Vallabh Bhawan, Bhopal.
5. Telecom District Engineer, Balaghat.
6. Telecom District Manager, Devas.
7. Telecom District Manager, Khandwa.
8. Divisional Engineer (External First) Jabalpur.
9. Divisional Engineer (External Second) Jabalpur.
10. Divisional Engineer (Internal), Jabalpur.
11. Divisional Engineer (Cross-Bar) Jabalpur.
12. Divisional Engineer (TAX), Jabalpur.
13. Divisional Engineer (Planning), Jabalpur.
14. Divisional Engineer (Installation), Jabalpur.
15. Divisional Engineer (Phones), Jabalpur.
16. Divisional Engineer (Phones), Katani.
17. Sub-Divisional Engineer (Phones) Katani.
18. Sub-Divisional Engineer (Phones-First) Jabalpur.
19. Sub-Divisional Engineer (Phones-Second) Jabalpur.
20. Sub-Divisional Engineer (Phones-Third) Jabalpur.
21. Sub-Divisional Engineer (Phones-Fourth) Jabalpur.
22. Sub-Divisional Engineer (Phones-Fifth) Jabalpur.
23. Sub-Divisional Engineer (Trunk) Jabalpur.
24. Sub-Divisional Officer (Telegraph) Khandwa/Burhanpur.
25. Sub-Divisional Officer (Phones) Khandwa/Burhanpur.
26. Departmental Post-Office, Khandwa/Burhanpur.
27. Telecom District Engineer, Vidisha.
28. Sub-Divisional Officer Telegraph, Vidisha/Raisen/Gangbasauda Barrielly.
29. Sub-Divisional Officer, (Phones) Vidisha.
30. Departmental Post-office, Raisen Ganjbasauda.

31. Sub-Divisional Officer, (Telegraph) Chhindwara/Pandurna/Parseya
32. Sub-Divisional Office (Phones) Chhindwara
33. Telecom District Manager, Mandsaur
34. Sub-Divisional Officer (Phones), Mandsaur
35. Sub-Divisional Engineer (Phones), Mandsaur
36. Sub-Divisional Officer (Telegraph) Neemuch Shamgarh
37. Sub-Divisional Officer (Phones) Neemuch
38. Sub-Divisional Engineer (Phones) Neemuch
39. Telegraph Office (Mandsaur, Neemuch)
40. General Manager Telcom (Development Plan) Indore
41. Divisional Engineer (Phones) Sagar
42. Sub-Divisional Engineer (Telegraph) Sagar/Beena
43. Sub-Divisional (Phones) Sagar
44. Sub-Divisional Engineer TAX/FRM/NIS, Sagar
45. Telecom. Distt. Engineer Bastar (Jagdalpur)
46. Sub-Divisional Officer (Phones) Jagdalpur
47. Sub-Divisional Officer Telegraph Kanker/Bacheli
48. Telecom. Distt. Engineer, Reewa
49. Sub-Divisional Officer (Phones) Reewa
50. Sub-Divisional Engineer (Phones) Reewa
51. Sub-Divisional Officer Telegraph, Reewa/Sindhi/Singrauli
52. Sub-Divisional Officer Telegraph, Satna
53. Sub-Divisional Officer (Phones) Satna
54. Sub-Divisional Engineer Telecom. Satna
55. Sub-Divisional Engineer (Group) Panna
56. Telecom. Distt. Manager, Durg
57. Telecom. Distt. Engineer, Rajanandgaum
58. Sub-Divisional Officer Telegraph, Durg
59. Sub-Divisional Officer (Phones, Bhilai/Rajanandgaum)
60. Telegraph Office, Durg
61. Telecom. Distt. Engineer, Betul
62. Sub-Divisional Officer Telegraph, Betul/Multai/Pathakhara
63. Regional Manager Telecom (North/South) Indore
64. Sub-Divisional Officer (Phones) Betul
65. Telecom. Distt. Engineer Byawara
66. Sub-Divisional Engineer Byawara, Rajgarh/Sarangpur
67. Telecom. Distt. Engineer, Narsingpur
68. Sub-Divisional Officer Phones, Narsingpur/Seoni
69. Sub-Divisional Officer, Telegraph Narsingpur/Kareli/Gadawada/Seoni
70. Sub-Divisional Officer (Phones First and Second) Bilaspur
71. Sub-Divisional Engineer Internal First and Third Trunks, E-10 B, Bilaspur
72. Divisional Engineer (Phones) Korba
73. Sub-Divisional Officer, Bilaspur/Pendra Road/Korba, Akaltara
74. Sub-Divisional Officer, Phones, Korba
Telecom Store Office, Calcutta
1. Office of Controller Telecom. Store Netaji Nagar, New Delhi-110023
2. Office of Controller Telecom. Store, Jabalpur-402002.

[No. E-11016/1/98-O.L.]

R. D. Masiwal, Director

(Official Language)

नई दिल्ली, 27 जुलाई, 1998

कां०आ० 1607.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10(4) के अनुसरण में संचार मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है -

हरियाणा दूरसंचार परिमण्डल, अम्बाला

दूरसंचार जिला प्रबन्धक, सोनीपत ।

उत्तर प्रदेश दूरसंचार (पूर्व) परिमण्डल, लखनऊ

दूरसंचार मण्डल अभियन्ता, शाहजहांपुर ।

कर्नाटक दूरसंचार परिमण्डल, बेंगलूर

दूरसंचार जिला प्रबन्धक, कारवार ।

महाप्रबन्धक, दूरसंचार जिला, कानपुर

कानपुर दूरसंचार जिला, कानपुर ।

[सं० ई०-11016/1/98-रा०भा०]

आर० डी० मासीवाल, निदेशक (राजभाषा)

New Delhi, the 27th July, 1998

S.O. 1607.—In pursuance of rule 10(4) of the official Languages (use for official purpose of the union), rule 1976 the Central Government hereby notifies following offices, under the administrative Control of Ministry of Communications, Department of Telecommunications where of more than 80 percent staff have acquired working knowledge of Hindi.

Haryana Telecom. Circle, Ambala.

Distt. Manager Telecom., Sonipat.

Uttar Pradesh Telecom. (East) Circle, Lucknow

Telecom. Divisional Engineer, Shah-jahanpur

Karnataka Telecom. Circle, Bangalore, Distt. Manager Telecom., Karwar

Distt. General Manager Telecom., Kanpur
Kanpur Dist. Telecom., Kanpur

[No. E-11016/1/98-O.L.]

R. D. MASIWAL, Director (O.L.)

(डाक विभाग)

नई दिल्ली, 6 अगस्त, 1998

का.आ. 1608.—राजभाषा नियम, (संघ के शासकीय प्रयोजनों के लिये प्रयोग) 1976 के नियम-10 के उप नियम (4) के अनुसरण में केन्द्र सरकार डाक विभाग के अधीनस्थ कार्यालय पोस्टमास्टर जनरल, मध्य प्रदेश का कार्यालय, कोच्ची-692016, केरल डाक सर्किल को, जिसके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-11025/1/91-रा.भा.]

डा. गिरिवरधारी मिह,

निदेशक (राजभाषा)

(Department of Post)

New Delhi, the 6th August, 1998

S.O. 1608.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the

Union) Rules, 1976, the Central Government hereby notify the sub-ordinate office of the Department of Post—Office of the Postmaster General, Central Region, Cochin-692016, Keral Postal Circle where 80 per cent staff has acquired working knowledge of Hindi.

[No. E-11025/1/91-OL]

Dr. G. D. SINGH, Director (OL)

पर्यटन मंत्रालय

नई दिल्ली, 3 अगस्त, 1998

का.आ. 1609.—केन्द्रीय सरकार, सरकारी स्थान (अप्रामादिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग 2, खण्ड 3, (ii) तारीख 15 फरवरी, 1997 में प्रकाशित भारत सरकार के पर्यटन मंत्रालय की अधिसूचना सं. का.आ. 437, तारीख 28 जनवरी, 1997 का संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

उक्त अधिसूचना की सारणी में "अधिकारी का पदनाम" से संबंधित स्तंभ के नीचे की प्रविष्टि में "ज्येष्ठ प्रबंधक (कार्मिक)" शब्दों और कोष्ठकों के स्थान पर "सहायक प्रबंधक (कार्मिक)" शब्द और कोष्ठक रखे जायेंगे।

[सं. 6/21/91-पी.एस.यू. (टी)]

एम. के. गुप्ता, अवर सचिव

MINISTRY OF TOURISM

New Delhi, the 3rd August, 1998

S.O. 1609.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Tourism, No. S.O. 437 dated the 28th January, 1997 published in the Gazette of India, Part II, Section 3(ii) dated the 15th February, 1997, namely:—

In Table to the said notification, in the entry under the column relating to "designation of the officer", for the words and brackets "Sr. Manager (Per)", the words and brackets "Assistant Manager (Per)" shall be substituted.

[No. 6/21/91-PSU(T)]

S. K. GUPTA, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 10 अगस्त, 1998

का.आ. 1610.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाङ्डीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने के अपने आशयकी घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में श्री ए.वी.कालरिया, सक्षम प्राधिकारी, सेंट्रल इंडिया रीफाइनरी परियोजना, भारत ओमान रीफाइनरीज लिमिटेड, बी-5, हीराक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-380015, गुजरात को कर सकेगा ;

अनुसूची				
तालुका: उमरेठ	जिला: आणंद	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण सं./ खंड सं.	क्षेत्र हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
वणसोल	41/2	0	04	25
	41/3/1	0	12	40
	41/3/2	0	14	50
	42/5पैकी	0	04	98
	43/1	0	06	50
	43/2	0	06	72
	43/3	0	07	86
	43/4+5+6	0	09	00
	78/1	0	39	40
	80/5/1	0	00	93
	79	0	17	13
	236/पैकी	0	00	44
	239	0	23	78
	238/1	0	09	88
	238/2	0	07	00
	247+248	0	12	20
	237/1+2	0	02	94
	249/1	0	03	95
	249/2	0	08	00
	256	0	26	40
	257/3	0	08	22
	257/4	0	11	33
	267/1	0	02	60
	267/2	0	30	73
	267/3	0	00	60
	270	0	03	42
	271	0	12	36
	269	0	12	96
	285/1	0	03	24
	286	0	44	47
	287/1+2+3पैकी	0	21	25
	287/1+2+3पैकी	0	10	00

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	459/1	0	05	74		1038	0	08	56
	458/1	0	07	00		1051	0	03	39
	458/2	0	05	95		1039	0	08	46
	455	0	02	79		1040	0	02	49
	456	0	15	01		1050	0	13	22
	453/6	0	03	00					
	453/7	0	18	86		1049	0	15	39
	444	0	09	76		1047	0	01	05
	443	0	01	50		1071	0	12	25
	445	0	11	08		1072	0	11	64
	446	0	20	78		1218	0	11	42
	447	0	16	53		1217	0	31	20
	448	0	18	05		1228	0	22	80
	438/2	0	12	76		1229	0	09	66
	439/1	0	25	78		1227	0	12	00
	437	0	01	76		1230	0	48	60
	433	0	02	69		1231	0	01	60
	432/1	0	40	54		114	0	01	82
	432/2	0	19	00		113	0	45	56
	488	0	09	96		117	0	10	35
पणसोरा	841	0	06	10		118	0	30	93
	866	0	50	23		105	0	06	03
	865	0	55	39		121	0	07	74
	862	0	15	01		122	0	02	58
	926	0	02	10		104	0	10	98
	925	0	34	00		103	0	16	54
	903	0	05	62		102	0	19	20
	924	0	13	15		101	0	17	64
	923	0	07	01		156	0	28	63
	929	0	01	62		339	0	00	69
	922	0	32	37		338	0	35	66
	921	0	30	00		337	0	00	96
	932	0	20	00		336	0	20	11
	916	0	22	25		335	0	12	82
	909	0	11	10		324	0	00	54
	1037	0	14	30		334	0	09	09

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	325	0	18	29		1190/2	0	27	00
	323	0	01	80		1133/1	0	25	68
	326	0	30	46		1133/2	0	05	18
	312	0	06	38		1132	0	28	33
	327	0	09	00		1131	0	23	03
	328	0	37	20		1130/पैकी	0	25	71
	412	0	02	09		1121 पैकी	0	02	80
	413	0	47	16		1121 पैकी	0	25	29
	414	0	13	13					
घोरा	297/पैकी	0	42	27		1120	0	33	43
	298	0	03	00		1119/1	0	13	60
	295	0	14	84		1119/2	0	05	00
	296/1	0	18	15		1119/5	0	13	20
	292	0	01	10		1119/6	0	08	25
	290	0	38	39		1119/9पैकी	0	12	47
	293	0	13	09		1119/9पैकी	0	04	54
	292/1	0	06	35		1119/7	0	06	10
	292/2	0	03	20		1119/8	0	10	00
	292/3	0	05	92		1118	0	09	41
	262/1	0	17	83		876	0	18	66
	264/1+2/पैकी	0	19	42		877	0	37	70
	264/2/2	0	14	82		878/3	0	03	29
	264/3	0	46	88		878/4	0	18	17
	265/1	0	02	28		879	0	20	04
	265/2	0	01	28		880	0	29	56
		0	01	23		911	0	00	14
	265/4	0	01	17		912	0	15	09
	265	0	02	78		910	0	20	49
पैकी	80/1	0	09	20		913	0	06	58
	80/2	0	28	00		909	0	21	69
थामणा	1180	0	03	06		917	0	00	86
	1181/1	0	13	87		905/1	0	27	24
	1181/2	0	20	83		905/2	0	26	00
	1184	0	33	91		904/2	0	06	89
	1191/2	0	35	77		893	0	13	00
	1190/1	0	34	37		894	0	02	80

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
890/1		0	11	00		344	0	11	55
890/3		0	04	85		345	0	12	25
890/4		0	10	00		346/1	0	08	21
805		0	15	96		346/2	0	04	20
804		0	09	23		346/3	0	04	00
802/1		0	00	80		346/4	0	05	61
802/2		0	05	00		346/5	0	03	59
803/2		0	25	57		347/1/2/1	0	19	38
513/1		0	27	87		347/4/1	0	13	25
514/2		0	00	52		348/1	0	13	37
512/1		0	10	73		349	0	17	02
520		0	01	94		350	0	06	39
511		0	11	07		325	0	15	01
527/1		0	13	50		326	0	23	54
527/2		0	06	90		313/1+2	0	12	01
526/4		0	00	04		310/1	0	27	07
525/2		0	03	00		309/1	0	14	00
525/3		0	12	29		309/2	0	13	29
533		0	27	78	उमरेठ	151	0	03	40
534		0	27	53		153	0	18	07
547		0	01	72		175/1	0	36	59
535		0	09	36		175/2	0	00	55
537		0	04	07		174/1	0	20	17
536		0	05	37		174/2	0	19	09
458/1		0	02	04		179/3	0	00	10
458/2		0	02	80		180/2	0	00	55
458/3		0	01	62		180/3	0	00	63
457		0	21	86		181/2	0	09	55
456		0	11	40		181/3	0	00	77
454		0	00	46		182	0	13	25
797		0	13	43		183/1	0	01	20
798		0	01	73		185	0	36	15
342		0	22	72		186	0	08	95
339		0	07	28		424/1+2+3+4	0	18	01
340		0	23	39		424/5	0	06	05
343		0	07	79		423	0	25	35

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
422		0	24	52	666/2		0	11	00
420/1		0	12	00	792		0	00	08
420/2		0	12	35	793		0	32	03
419		0	24	40	794		0	06	93
320		0	04	15	795/1		0	01	42
413		0	00	16	795/2		0	09	00
414		0	03	20	795/3		0	10	32
415/2		0	01	29	795/4		0	22	11
415/3		0	05	52	852		0	14	50
415/4		0	02	99	853		0	18	50
416/1		0	16	70	854		0	06	40
416/2		0	12	00	849/3		0	11	00
416/3		0	01	00	849/4		0	30	94
416/4		0	07	85	851		0	10	05
418		0	00	10	850		0	01	88
464/1		0	17	42	848/2		0	00	48
464/2		0	01	08	841		0	00	40
474		0	12	20	845		0	16	48
475 पैकी		0	00	45	842		0	24	15
475 पैकी		0	13	95	839		0	16	67
476 पैकी		0	14	55	885/1		0	00	40
407		0	19	05	837		0	18	80
601/1		0	10	23	838		0	03	39
601/2		0	13	42	836		0	06	50
602/1		0	03	76	888		0	15	00
602/3		0	03	24	917		0	12	90
600/3		0	13	10	918		0	22	45
646/1		0	00	32	920		0	35	57
646/2		0	02	58	921		0	02	53
596		0	36	10	923		0	37	15
649		0	18	90	978/1+2		0	01	20
653		0	37	70					
669		0	28	90					
666/1		0	12	50					

[फा. सं. आर-31015/38/97-ओआर. II]

के. सी. कटोच, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 10th August, 1998

S.O. 1610.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat, to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad (Gujarat) 380015;

Schedule

Taluka : Umarcheth District : Anand State: Gujarat

Name of Village	Survey/Block Number	Area		
		Hectare	Arc	Centare
(1)	(2)	(3)	(4)	(5)
Vansol	41/2	0	04	25
	41/3/1	0	12	40
	41/3/2	0	14	50
	42/5Paiki	0	04	98
	43/1	0	06	50
	43/2	0	06	72
	43/3	0	07	86

(1)	(2)	(3)	(4)	(5)
	43/4+5+6	0	09	00
	78/1	0	39	40
	80/5/1	0	00	93
	79	0	17	13
	236/Paiki	0	00	44
	239	0	23	78
	238/1	0	09	88
	238/2	0	07	00
	247+248	0	12	20
	237/1+2	0	02	94
	249/1	0	03	95
	249/2	0	08	00
	256	0	26	40
	257/3	0	08	22
	257/4	0	11	33
	267/1	0	02	60
	267/2	0	30	73
	267/3	0	00	60
	270	0	03	42
	271	0	12	36
	269	0	12	96
	285/1	0	03	24
	286	0	44	47
	287/1+2+3Paiki	0	21	25
	287/1+2+3Paiki	0	10	00
	459/1	0	05	74
	458/1	0	07	00
	458/2	0	05	95
	455	0	02	79
	456	0	15	01
	453/6	0	03	00
	453/7	0	18	86
	444	0	09	76
	443	0	01	50

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	445	0	11	08		1071	0	12	25
	446	0	20	78		1072	0	11	64
	447	0	16	53		1218	0	11	42
	448	0	18	05		1217	0	31	20
	438/2	0	12	76		1228	0	22	80
	439/1	0	25	78		1229	0	09	66
	437	0	01	76		1227	0	12	00
	433	0	02	69		1230	0	48	60
	432/1	0	40	54		1231	0	01	60
	432/2	0	19	00		114	0	01	82
	488	0	09	96		113	0	45	56
Pansora	841	0	06	10		117	0	10	35
	866	0	50	23		118	0	30	93
	865	0	55	39		105	0	06	03
	862	0	15	01		121	0	07	74
	926	0	02	10		122	0	07	58
	925	0	34	00		104	0	10	98
	903	0	05	62		103	0	16	54
	924	0	13	15		102	0	19	20
	923	0	07	01		101	0	17	64
	929	0	01	62		156	0	28	63
	922	0	32	37		339	0	00	69
	921	0	30	00		338	0	35	66
	932	0	20	00		337	0	00	96
	916	0	22	25		336	0	20	11
	909	0	11	10		335	0	12	82
	1037	0	14	30		324	0	00	54
	1038	0	08	56		324	0	09	09
	1051	0	03	39		325	0	18	29
	1039	0	08	46		323	0	01	80
	1040	0	02	49		326	0	30	46
	1050	0	13	22		312	0	06	38
	1049	0	15	39		327	0	09	00
	1047	0	01	05		328	0	37	20

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	412	0	02	09		1131	0	23	05
	413	0	47	16		1130/Paiki	0	25	71
	414	0	13	13		1121 Paiki	0	02	80
Ghora	297/Paiki	0	42	27		1121 Paiki	0	25	29
	298	0	05	00		1120	0	33	93
	295	0	14	84		1119/1	0	13	00
	296/1	0	18	15		1119/2	0	05	00
	294	0	01	10		1119/5	0	13	20
	290	0	38	39		1119/6	0	08	25
	293	0	13	00		1119/9Paiki	0	12	47
	292/1	0	06	35		1119/9Paiki	0	04	54
	292/2	0	03	20		1119/7	0	06	10
	292/3	0	05	92		1119/8	0	10	00
	262/1	0	17	83		1118	0	09	72
	264/1+2/P	0	19	42		876	0	18	66
	264/2/2	0	14	82		877	0	37	70
	264/3	0	46	88		878/3	0	05	29
	265/1	0	02	28		878/4	0	18	17
	265/2	0	01	28		879	0	20	00
	265/3	0	01	23		880	0	29	56
	265/4	0	01	17		911	0	00	14
	266	0	02	78		912	0	15	09
Lingada	80/1	0	09	20		910	0	20	49
	80/2	0	28	00		913	0	06	68
Thamana	1180	0	03	06		909	0	21	69
	1181/1	0	13	87		917	0	00	86
	1181/2	0	20	83		905/1	0	27	24
	1184	0	33	91		905/2	0	26	00
	1191/2	0	35	77		904/2	0	06	89
	1190/1	0	34	37		893	0	13	00
	1190/2	0	27	00		894	0	02	80
	1133/1	0	25	68		890/1	0	11	00
	1133/2	0	05	18		890/3	0	04	85
	1132	0	28	33		890/4	0	10	00

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	805	0	15	96		345	0	12	25
	804	0	09	23		346/1	0	08	21
	802/1	0	00	80		346/2	0	04	20
	802/2	0	05	00		346/3	0	04	00
	803/2	0	25	57		346/4	0	05	61
	513/1	0	27	87		346/5	0	03	59
	514/2	0	00	52		347/1/2/1	0	19	38
	512/1	0	10	73		347/4/1	0	13	25
	520	0	01	94		348/1	0	13	37
	511	0	11	07		349	0	17	02
	527/1	0	13	50		350	0	06	39
	527/2	0	06	90		325	0	15	01
	526/4	0	00	04		326	0	23	54
	525/2	0	03	00		313/1+2	0	12	01
	525/3	0	12	29		310/1	0	27	07
	533	0	27	78		309/1	0	14	00
	534	0	27	53		309/2	0	13	29
	547	0	01	72	Umreth	151	0	03	40
	535	0	09	36		153	0	18	07
	537	0	04	07		175/1	0	36	59
	536	0	05	37		175/2	0	00	55
	458/1	0	02	04		174/1	0	20	17
	458/2	0	02	80		174/2	0	19	09
	458/3	0	01	62		179/3	0	00	10
	457	0	21	86		180/2	0	00	55
	456	0	11	40		180/3	0	00	63
	454	0	00	46		181/2	0	09	55
	797	0	13	43		181/3	0	00	77
	798	0	01	73		182	0	13	25
	342	0	22	72		183/1	0	01	20
	339	0	07	28		185	0	36	15
	340	0	23	39		186	0	08	95
	343	0	07	79		424/1+2+3+4	0	18	01
	344	0	11	55		424/5	0	06	05

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	423	0	25	35		666/1	0	12	50
	422	0	24	52		666/2	0	11	00
	420/1	0	12	00		792	0	00	08
	420/2	0	12	35		793	0	32	03
	419	0	24	40		794	0	06	93
	320	0	04	15		795/1	0	01	42
	413	0	00	16		795/2	0	09	00
	414	0	03	20		795/3	0	10	32
	415/2	0	01	29		795/4	0	22	11
	415/3	0	05	52		852	0	14	50
	415/4	0	02	99		853	0	18	50
	416/1	0	16	70		854	0	06	40
	416/2	0	12	00		849/3	0	11	00
	416/3	0	01	00		849/4	0	30	94
	416/4	0	07	85		851	0	10	05
	418	0	00	10		850	0	01	88
	464/1	0	17	42		848/2	0	00	48
	464/2	0	01	08		841	0	00	40
	474	0	12	20		845	0	16	48
	475 Paiki	0	00	45		842	0	24	15
	475 Paiki	0	13	95		839	0	16	67
	476 Paiki	0	14	55		885/1	0	00	40
	407	0	19	05		837	0	18	80
	601/1	0	10	23		838	0	03	39
	601/2	0	13	42		836	0	06	50
	602/1	0	03	76		888	0	15	00
	602/3	0	03	24		917	0	12	90
	600/3	0	13	10		918	0	22	45
	646/1	0	00	32		920	0	35	57
	646/2	0	02	58		921	0	02	53
	596	0	36	10		923	0	37	15
	649	0	18	90		978/1+2	0	01	20
	653	0	37	70					
	669	0	28	90					

[File No. R-31015/38/97-OR.II]
K. C. Katoch, Under Secy.

	(1)	(2)	(3)	(4)	(5)
नई दिल्ली, 10 अगस्त, 1998		18	0	10	92
		19	0	00	56
का.आ. 1611.—केन्द्रीय सरकार को यह प्रतीत		59	0	43	05
होता है कि लोकहित में यह आवश्यक है कि गुजरात		60	0	17	75
राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक		63	0	17	94
पेट्रोलियम के परिवहन के लिए भारत ओमान		64	0	34	43
रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी		65	0	09	13
चाहिये;		89/पैकी	0	31	92
		90	0	02	00
		91	0	09	57
और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के		94	0	00	88
लिए इस अधिसूचना से उपावह अनुसूची में वर्णित		153	0	20	70
भूमि में उपयोग का अधिकार अर्जित करना आवश्यक		154	0	23	75
है;		156	0	41	23
		158	0	01	22
		159	0	17	10
अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और		169	0	02	55
खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का		482	0	32	33
अर्जन) अधिनियम, 1962 (1962 का 50) की	जाखेड	874	0	02	40
धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का		875	0	26	20
प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित		763	0	27	33
करने के अपने आशयकी घोषणा करती है;		764	0	18	76
		765	0	18	52
		766	0	10	28
		767	0	16	37
		768	0	05	66
		770/बी	0	06	00
		769	0	31	50
		772	0	03	63
		775	0	06	13
		774	0	07	52
		773	0	05	26
		721	0	27	00
		722	0	01	14
		587	0	17	50
		588 पैकी	0	23	71
		582	0	37	02
		581	0	20	25
		541	0	12	78
		540 पैकी	0	02	06
		540 पैकी	0	21	00
		536	0	14	40

अनुसूची				
तालुका: ठासरा	जिला: खेडा	राज्य: गुजरात		
गांव का सर्वेक्षण सं./	क्षेत्र			
नाम	खंड सं.	हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
सीमलज	16	0	16	56
	17	0	46	70

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	538	0	00	10		847	0	15	97
	537	0	14	03		846	0	09	45
	278	0	23	03		845	0	02	34
	277	0	02	40		851	0	06	18
	275	0	09	76		850	0	00	05
	274 पैकी	0	03	02		921	0	06	00
	228	0	32	00		920	0	05	44
	229	0	23	50		925	0	08	79
	231	0	37	95		927	0	08	77
	186	0	11	81		928	0	04	80
	187	0	10	37		929	0	05	79
	185	0	02	78		932	0	03	28
	183	0	20	51		930	0	12	42
	184	0	00	25		931	0	10	34
	176	0	05	40		1011	0	04	37
	177	0	20	91		1012	0	07	35
	175	0	16	89		1009	0	02	31
	136	0	13	91		1010	0	05	64
	137	0	07	50		1008	0	03	15
	138	0	12	00		1007	0	01	20
	110	0	04	86		1014	0	16	80
	109	0	14	33		1017	0	02	58
	102	0	18	03		1016	0	09	46
	105 पैकी	0	04	92		1018	0	23	40
	105 पैकी	0	12	00		1015	0	00	35
	103	0	02	85		1019	0	00	15
	104	0	11	25		1026	0	01	07
	95	0	51	56		1021	0	40	09
	84	0	00	05		1022	0	29	20
कालसर	817	0	23	55		1024	0	02	60
	816	0	24	70		1023	0	48	17
	818	0	00	42		1133	0	26	55
	826	0	20	10		1131	0	31	57
	830	0	04	20		1130	0	28	30
	825	0	07	32		1129	0	14	45
	831	0	03	38		1313	0	21	06
	832	0	04	29		1312	0	17	08
	834	0	00	60		1310	0	35	00
	833	0	03	10		1318	0	15	46
	839	0	22	08		1342	0	10	29
	838	0	03	07		1341	0	02	10
	848	0	23	03		1344	0	09	94

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1346	0	06	60		711	0	09	83
	1345	0	19	02		716	0	44	19
	1340	0	00	16		715 पैकी	0	35	24
	1337	0	63	89		715 पैकी	0	31	62
	1336	0	17	39		703	0	34	80
	1338	0	02	25		701 पैकी	0	05	52
आगरवा	560	0	21	02		861	0	14	31
	561	0	46	34		862	0	29	48
	562	0	27	31		863	0	49	75
	565 पैकी	0	37	98		868	0	21	12
	565 पैकी	0	30	04		869 पैकी	0	00	16
	575	0	15	80		869 पैकी	0	16	00
	576	0	16	80	सांढे लीया	65 पैकी	0	28	77
	577	0	14	40		65 पैकी	0	21	06
	578 पैकी	0	02	70		66	0	00	30
	631	0	01	05		68	0	26	25
	632	0	79	23		69 पैकी	0	28	08
	637	0	28	02		67	0	19	07
	642	0	27	03	कोतरीया	137 पैकी	0	04	86
	641 पैकी	0	04	62		137 पैकी	0	14	44
	640	0	53	16		137 पैकी	0	16	20
	658	0	06	01		137 पैकी	0	77	13
	787	0	07	80		137 पैकी	0	11	92
	785 पैकी	0	27	00		137 पैकी	0	11	50
	785 पैकी	0	11	45		137 पैकी	0	24	08
	783	0	28	54		139	0	07	79
	635 पैकी	0	00	23		140	0	64	00
	751	0	01	10		152	0	00	15
	752	0	00	35		156	0	57	57
	755	0	00	18		175	0	26	40
	758	0	11	45		174	0	34	68
	782 पैकी	0	22	25		9	0	10	36
	760	0	32	73		10	0	23	79
	731	0	12	22		11	0	28	05
	761	0	31	08	उपलेट	89 पैकी	0	06	33
	730	0	20	72		95	0	35	25
	725 पैकी	0	04	00		96	0	22	37
	725 पैकी	0	31	69		97	0	26	01
	727	0	03	36		98	0	00	83
	726 पैकी	0	00	45					
	726 पैकी	0	20	85					
	717	0	09	31					

[फा. सं. आर-31015/8/87-ओआर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 10th August, 1998

S.O. 1611.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat, to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad (Gujarat) 380015;

Schedule

Taluka : Thasara District : Kheda State:Gujarat

Name of Village	Survey/Block Number	Area Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)
Simalaj	16	0	16	56
	17	0	46	70
	18	0	10	92
	19	0	00	56
	59	0	43	05
	60	0	17	75
	63	0	17	94
	64	0	34	43
	65	0	09	13
	89/Paiki	0	31	92
	90	0	02	00

(1)	(2)	(3)	(4)	(5)
	91	0	09	57
	94	0	00	88
	153	0	20	70
	154	0	23	75
	156	0	41	23
	158	0	01	22
	159	0	17	10
	169	0	02	55
	482	0	32	33
Jakhed	874	0	02	40
	875	0	26	20
	763	0	27	33
	764	0	18	76
	765	0	18	52
	766	0	10	28
	767	0	16	37
	768	0	05	66
	770/B	0	06	00
	769	0	31	50
	772	0	03	63
	775	0	06	13
	774	0	07	52
	773	0	05	26
	721	0	27	00
	722	0	01	14
	587	0	17	50
	588 Paiki	0	23	71
	582	0	37	02
	581	0	20	25
	541	0	12	78
	540 Paiki	0	02	06
	540 Paiki	0	21	00
	536	0	14	40
	538	0	00	10
	537	0	14	03
	278	0	23	03
	277	0	02	40
	275	0	09	76
	274 Paiki	0	03	02
	228	0	32	00

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	229	0	23	50		921	0	00	00
	231	0	37	95		920	0	05	44
	186	0	11	81		925	0	08	79
	187	0	10	37		927	0	08	77
	185	0	02	78		928	0	04	80
	183	0	20	51		929	0	05	79
	184	0	00	25		932	0	03	28
	176	0	05	40		930	0	12	42
	177	0	20	91		931	0	10	34
	175	0	16	89		1011	0	04	37
	136	0	13	91		1012	0	07	35
	137	0	07	50		1009	0	02	31
	138	0	12	00		1010	0	05	64
	110	0	04	86		1008	0	03	15
	109	0	14	33		1007	0	01	20
	102	0	18	03		1014	0	16	80
	105 Paiki	0	04	92		1017	0	02	58
	105 Paiki	0	12	00		1016	0	09	46
	103	0	02	85		1018	0	23	40
	104	0	11	25		1015	0	00	35
	95	0	51	56		1019	0	00	15
	84	0	00	05		1026	0	01	07
Kalsar	817	0	23	55		1021	0	40	09
	816	0	24	70		1022	0	29	20
	818	0	00	42		1024	0	02	60
	826	0	20	10		1023	0	48	17
	830	0	04	20		1133	0	26	55
	825	0	07	32		1131	0	31	57
	831	0	03	38		1130	0	28	30
	832	0	04	29		1129	0	14	45
	834	0	00	60		1313	0	21	06
	833	0	03	10		1312	0	17	08
	839	0	22	08		1310	0	35	00
	838	0	03	07		1318	0	15	46
	848	0	23	03		1342	0	10	29
	847	0	15	97		1341	0	02	10
	846	0	09	45		1344	0	09	94
	845	0	02	34		1346	0	06	60
	851	0	06	18		1345	0	19	02
	850	0	00	05		1340	0	00	16

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1337	0	63	89		716	0	44	19
	1336	0	17	39		715 Paiki	0	35	24
	1338	0	02	25		715 Paiki	0	31	62
Agarwa	560	0	21	02		703	0	34	80
	561	0	46	34		701 Paiki	0	05	52
	562	0	27	31		861	0	14	31
	565 Paiki	0	37	98		862	0	29	48
	565 Paiki	0	30	04		863	0	49	75
	575	0	15	80		868	0	21	12
	576	0	16	80		869 Paiki	0	00	16
	577	0	14	40		869 Paiki	0	16	00
	578 Paiki	0	02	70	Sandheliya	65 Paiki	0	28	77
	631	0	01	05		65 Paiki	0	21	06
	632	0	79	23		66	0	00	30
	637	0	28	02		68	0	26	25
	642	0	27	03		69 Paiki	0	28	08
	641 Paiki	0	04	62		67	0	19	07
	640	0	53	16	Kotariya	137 Paiki	0	04	86
	658	0	06	01		137 Paiki	0	14	44
	787	0	07	80		137 Paiki	0	16	20
	785 Paiki	0	27	00		137 Paiki	0	77	13
	785 Paiki	0	11	45		137 Paiki	0	11	92
	783	0	28	54		137 Paiki	0	11	50
	635 Paiki	0	00	23		137 Paiki	0	24	08
	751	0	01	10		139	0	07	79
	752	0	00	35		140	0	64	00
	755	0	00	18		152	0	00	15
	758	0	11	45		156	0	57	57
	782 Paiki	0	22	25		175	0	26	40
	760	0	32	73		174	0	34	68
	731	0	12	22		9	0	10	36
	761	0	31	08		10	0	23	79
	730	0	20	72		11	0	28	05
	725 Paiki	0	04	00	Uplet	89 Paiki	0	06	33
	725 Paiki	0	31	69		95	0	35	25
	727	0	03	36		96	0	22	37
	726 Paiki	0	00	45		97	0	26	01
	726 Paiki	0	20	85		98	0	00	83
	717	0	09	31					
	711	0	09	83					

	(1)	(2)	(3)	(4)	(5)
नई दिल्ली, 10 अगस्त, 1998		991/2	0	13	42
		992	0	00	61
		993	0	37	94
का.आ. 1612.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;		994	0	02	60
		1006	0	12	33
		1005	0	19	07
		1004	0	20	53
		1003	0	18	99
		999	0	24	09
और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;		1002	0	16	06
		1000	0	07	23
		848	0	22	57
		849	0	21	21
		860	0	16	16
अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने के अपने आशयकी घोषणा करती है;		858+859+86	0	18	63
		1/2+865/पैकी			
		858+859+86	0	06	06
		1/2+865/पैकी			
		858+859+86	0	03	37
		1/2+865/पैकी			
उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में श्री ए.वी.कालीरिया, सक्षम प्राधिकारी, सेंट्रल इंडियन रीफाइनरी परियोजना, भारत ओमान रीफाइनरीज लिमिटेड, बी-5, हीरक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-380015, गुजरात को कर सकेगा;		863/2	0	04	91
		864/1	0	21	53
		828	0	17	36
		827	0	15	65
		826	0	18	66
		467/1	0	09	36
		467/2	0	02	40
		468	0	09	00
		469/2	0	11	61
		479/पैकी	0	04	12
		479/पैकी	0	13	11
		478	0	00	11
		480/पैकी	0	00	50
		480/पैकी	0	24	50
		483	0	09	47
		484	0	00	60
		485	0	20	52
		486/1	0	15	64
अनुसूची					
तालुका: नडीयाद जिला: खेडा राज्य: गुजरात					
गांव का नाम सर्वेक्षण सं./		क्षेत्र			
खंड सं.		हेक्टर आरे	सेन्टीआरे		
(1)	(2)	(3)	(4)	(5)	
वसो	1034	0	10	35	
	991/1	0	24	53	

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	486/2	0	04	90		363	0	01	67
	541	0	15	50		351	0	09	65
	542	0	10	00		352	0	22	94
	543	0	02	82		353	0	21	90
	540	0	02	25		355	0	27	82
	560	0	09	35		308	0	04	58
	559	0	46	95		309	0	15	36
	568 पैकी	0	11	82		302	0	18	42
	569	0	17	10		300	0	13	94
	573	0	08	52		313	0	13	50
	572/1	0	01	45		314	0	46	50
	572/2	0	09	00	पीज	1680/पैकी	0	08	05
	572/3	0	07	00		1679/पैकी	0	02	10
	572/4	0	07	00		1678	0	01	08
	576	0	10	35		1677/पैकी	0	00	70
	333/1	0	00	50		1686	0	19	68
गंगापुर	319	0	28	33		1687	0	18	90
	321	0	00	09		1688	0	12	60
	320	0	26	56		1689/2	0	07	00
	325	0	47	46		1690/2	0	09	80
	326	0	26	84		1691	0	07	56
	328	0	24	88		1692	0	23	67
	329	0	25	20		1694	0	05	66
	330	0	18	32		1671	0	08	45
	331	0	13	66		1670	0	31	18
	332	0	02	69		1699	0	02	52
रामपुर	499	0	30	78		1698	0	14	10
	498	0	17	15		1705	0	23	42
	493	0	48	60		1701	0	24	43
	492	0	09	57		1703	0	05	20
	491	0	04	60		1704	0	08	10
	494	0	02	85		1665	0	18	98
	434	0	14	18		1710	0	05	67
	435	0	03	46		1713	0	09	10
	436	0	09	94		1664	0	00	90
	442	0	33	15		1715	0	30	78
	443	0	15	10		1662/पैकी	0	22	26
	444	0	12	76		1642	0	33	49

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1640	0	27	60		862	0	12	93
	1639	0	10	78		861	0	12	60
	1638	0	08	80		860	0	00	70
	1646	0	04	00		855	0	15	62
	1637	0	22	13		857	0	08	91
	1647	0	11	25		733	0	01	50
	1636	0	04	05		732	0	13	45
	1648	0	31	18		729	0	08	26
	1280	0	30	83		731	0	07	20
	1279	0	59	54		730	0	18	65
	1275	0	19	38		726	0	13	00
	1271	0	15	70		722	0	12	32
	1270	0	00	10		721पैकी	0	10	80
	1269	0	01	00		721पैकी	0	09	56
	1189	0	14	25		721पैकी	0	11	10
	1190	0	11	10		720	0	13	07
	1192	0	04	50		709	0	44	43
	1193	0	04	50		710	0	23	80
	1194	0	03	65		602/1	0	35	75
	1196	0	11	44		603/2	0	18	49
	1147	0	01	40		604	0	01	53
	1143	0	06	85		605	0	08	08
	1145	0	02	98		639	0	41	54
	1144	0	18	72		638	0	11	76
	1142	0	16	24		637	0	30	51
	1141	0	04	16		636	0	14	50
	1089	0	19	47		635	0	27	50
	1088	0	08	51		634	0	06	88
	1087	0	06	72		622	0	23	69
	1091	0	07	50		624	0	30	52
	954	0	19	85	पीपलाता	1275पैकी	0	24	13
	955	0	09	62		1275पैकी	0	23	92
	953	0	16	70		1275पैकी	0	23	64
	851	0	46	44		1291	0	00	16
	864	0	04	10		1277	0	27	86
	852	0	16	00		1231	0	01	20
	853	0	05	78		1307	0	06	60
	863	0	01	04		1309	0	16	69

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1310	0	16	15		1575	0	21	26
	1305	0	09	33		1677	0	09	22
	1314	0	03	77		1562	0	09	77
	1315	0	09	83		1561	0	09	75
	1303पैकी	0	24	44	पिपलग	658पैकी	0	05	44
	1343	0	30	49		657	0	21	70
	1344	0	02	54		656पैकी	0	00	25
	1359	0	14	23		656पैकी	0	06	43
	1351	0	11	64		654	0	31	83
	1357	0	09	39		653	0	17	75
	1356	0	00	15		651	0	00	70
	1405	0	03	98		652	0	14	15
	1407	0	34	35		649	0	19	90
	1409	0	01	30		646पैकी	0	24	75
	1408	0	14	38		645	0	00	10
	1406	0	08	78		643	0	13	28
	1452	0	37	09		448	0	16	23
	1451	0	04	56		450	0	01	47
	1453/पैकी	0	04	58		447	0	08	00
	1454	0	13	64		446	0	10	27
	1455	0	13	88		445	0	00	85
	1489	0	20	40		458	0	27	15
	1497	0	31	88		460	0	05	28
	1499	0	41	69		439	0	19	53
	1611	0	06	46		438	0	13	40
	1607	0	07	05		435	0	33	30
	1606	0	06	27		436	0	25	31
	1605	0	06	72		426पैकी	0	03	36
	1603	0	06	34		335	0	00	22
	1604	0	00	06		336	0	22	90
	1602	0	03	34		337	0	02	93
	1601	0	03	39		343	0	55	75
	1600	0	00	94		347	0	01	15
	1599	0	02	84		348	0	17	78
	1598	0	06	63		359	0	07	55
	1595	0	26	51		349	0	04	46
	1596	0	02	25		358	0	08	07
	1579	0	19	47		353	0	09	12

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	357	0	16	85		1204/सी	0	01	00
	356	0	05	03		1204/डी	0	01	00
	114पैकी	0	57	96		1204/अेल+अेम+	0	08	08
	115	0	09	58		अेन			
	121	0	00	77		1293/5	0	19	80
	120	0	23	40		1296/1/ 1+2+3	0	01	00
	119	0	14	80		पैकी			
	118	0	00	25		1296/2/ 1+2+3	0	09	00
	125	0	00	40		पैकी			
	98पैकी	0	27	48		1296/3/ 1+2+3	0	13	34
	126	0	03	90		पैकी			
नडीयाद	809/1	0	12	50		1295/2	0	28	68
	809/2	0	05	61		1297/1	0	08	70
	810	0	41	86		1300	0	30	88
	836/2	0	01	10		1298/6	0	00	60
	835/बी	0	03	46		1299/ए	0	11	40
	832/1	0	12	00		1299/बी	0	26	10
	832/2	0	10	06	उत्तरसंडा	1120	0	19	93
	833/1	0	00	10		1116	0	16	45
	833/2	0	05	70		1119	0	01	91
	831/ए	0	05	26		1117	0	11	44
	831/बी	0	19	97		1115	0	19	38
	829	0	28	56		1114	0	03	00
	828/1 /ए	0	10	91		1093	0	26	54
	828/1/ बी	0	10	90		1094	0	01	01
	828/2	0	06	50		1096	0	03	84
	827	0	00	50		1097	0	11	20
	1194	0	02	50		1091	0	22	44
	1193/3	0	09	57		1088पैकी	0	18	16
	1192	0	09	85		1089पैकी	0	03	96
	1191/1/पैकी	0	01	36		1062	0	25	29
	1195	0	08	79		1058	0	17	90
	1190/3	0	13	70		1060	0	00	62
	1189/3	0	10	80		1059	0	17	17
	1202	0	12	93		1057	0	02	10
	120r	0	13	05		1055	0	09	87
	1204/ए	0	08	00		1056	0	00	60
	1204/बी	0	08	00		1054	0	03	28
						1016	0	23	45

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1017	0	12	14	सलुन बाटा	543	0	01	70
	1018	0	04	72		544	0	17	85
	1014	0	15	44		545	0	26	10
	1008 पैकी	0	07	42	सलुन	275	0	12	92
	995	0	09	31	तलपद				
	996	0	11	82		274	0	07	25
	997	0	08	09		265	0	00	10
	1007	0	02	35		261	0	67	22
	998	0	17	96		306	0	27	50
	976	0	15	49		324	0	00	19
	975	0	21	34		323	0	18	10
	974	0	30	54		322	0	33	91
फतेपुर	227	0	57	70		320	0	00	49
	228	0	00	22		316	0	32	96
	226	0	02	28		315	0	04	64
	225	0	03	99		349	0	32	46
	224	0	07	30		348	0	22	94
	223	0	06	75		347	0	10	41
	215	0	21	22		435	0	11	05
	209	0	02	02		436	0	08	51
	214	0	03	24		437	0	01	56
	210	0	12	81		441	0	03	04
	212	0	01	21		440	0	04	16
	211	0	08	31		442	0	25	56
	208	0	00	12		443	0	12	10
	62	0	21	83		444	0	00	25
	63	0	15	88		459	0	09	28
	64	0	35	10		457	0	14	45
	66	0	13	80		458	0	07	65
	67	0	24	03		455	0	20	73
	80	0	21	84		456	0	01	10
	81	0	24	32		453	0	23	05
	77	0	03	70	कन्जोडा	607	0	18	90
	135 पैकी	0	26	13		608 पैकी	0	17	10
	136	0	26	22		608 पैकी	0	23	43
	155	0	25	65		610	0	06	07
	153	0	08	40		611	0	00	10
	152	0	13	42		629	0	34	74

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	626	0	23	65		465	0	15	86
	617	0	25	80		466	0	31	07
	616	0	06	79		468	0	20	15
	620	0	15	15		467	0	00	63
	583	0	34	22		541	0	29	38
	684	0	13	05		540पैकी	0	27	31
	692	0	05	54		536	0	14	07
	693	0	31	05		537	0	01	95
	705	0	00	12		534	0	30	09
	706	0	15	18		533	0	06	21
	707पैकी	0	08	47		532	0	08	79
	709	0	14	48		528	0	15	58
	710	0	24	42		526	0	25	35
	714पैकी	0	17	84		525	0	17	70
	713	0	06	46		521	0	18	48
	728	0	51	47		520पैकी	0	18	20
	31	0	06	98		519	0	34	28
	32	0	11	00		607	0	06	72
	33पैकी	0	11	94		608पैकी	0	25	90
	34	0	02	00		509	0	00	15
	35	0	01	47		621	0	24	23
	30	0	18	65		622पैकी	0	16	25
	36	0	01	37		501 पैकी	0	17	00
	37	0	00	25		623पैकी	0	00	90
	20	0	37	13		623पैकी	0	03	62
	19	0	07	99		624	0	07	79
	18	0	04	13		625	0	11	68
	17	0	13	20		638	0	37	03
	63	0	07	67		637ए	0	02	24
	64पैकी	0	52	06		650	0	21	38
	62	0	02	90		652	0	10	73
	61	0	10	95		651	0	03	04
सुरासामल	460	0	38	10		653	0	02	40
	461	0	11	76		654	0	01	98
	462	0	27	80		655	0	01	50
	464पैकी	0	04	25		656	0	02	00
	464पैकी	0	04	25		669पैकी	0	14	00
	464पैकी	0	08	30		667	0	16	43

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	666	0	18	60		221	0	00	50
	665	0	12	45		220	0	08	93
	685	0	06	18		214	0	05	97
	688 पैकी	0	22	12		215	0	04	46
	689	0	00	75		180	0	04	33
	705 पैकी	0	37	54		181	0	01	25
	754	0	10	97		179	0	11	20
	753 पैकी	0	16	40		177	0	05	60
	748	0	08	92		178	0	12	63
	749	0	02	10		422 पैकी	0	22	50
	747	0	00	50		421	0	13	26
	736	0	00	88		420	0	04	16
	737	0	17	66		410	0	02	87
	738	0	08	35		409	0	10	47
चलाली	89	0	04	79		408	0	00	02
	86	0	01	85		808	0	09	00
	90	0	05	00		809	0	06	12
	85	0	14	94		811	0	09	03
	83	0	42	20		812	0	05	60
	195	0	01	80		804	0	06	60
	196	0	01	65		814 पैकी	0	14	09
	244	0	10	71		815	0	50	40
	243	0	09	18		865	0	00	05
	236	0	11	75		861 पैकी	0	31	93
	198	0	00	44		839	0	02	16
	235	0	09	44		840	0	19	35
	200	0	03	36		841	0	16	73
	201	0	10	07		832	0	11	41
	229	0	14	91		833	0	07	93
	202 पैकी	0	00	77		831	0	18	48
	230	0	00	15		834	0	01	57
	208	0	04	14		829	0	08	16
	225	0	09	62					
	209	0	03	19					
	211	0	08	68					
	222	0	00	01					

[फा. सं. आर-31015/897-ओआर. II]

के. सी. कटोच, अवर सचिव

New Delhi, the 10th August, 1998

S.O. 1612.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat, to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, competent authority of Central India Refinery Project of Bharat Oman Refineries Limited, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad (Gujarat) 380015;

Schedule

Taluka : Nadiad District : Kheda State:Gujarat

Name of Village	Survey/Block Number	Area Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)
Vaso	1034	0	10	35
	991/1	0	24	53
	991/2	0	13	42
	992	0	00	61
	993	0	37	94
	994	0	02	60
	1006	0	12	33
	1005	0	19	07

(1)	(2)	(3)	(4)	(5)
	1004	0	20	53
	1003	0	18	99
	999	0	24	09
	1002	0	16	06
	1000	0	07	23
	848	0	22	57
	849	0	21	21
	860	0	16	16
	858+859+861/2 +865/Paiki	0	18	63
	858+859+861/2 +865/Paiki	0	06	06
	858+859+861/2 +865/Paiki	0	03	37
	863/2	0	04	91
	864/1	0	21	53
	828	0	17	36
	827	0	15	65
	826	0	18	66
	467/1	0	09	36
	467/2	0	02	40
	468	0	09	00
	469/2	0	11	61
	479/Paiki	0	04	12
	479/Paiki	0	13	11
	478	0	00	11
	480/Paiki	0	00	50
	480/Paiki	0	24	50
	483	0	09	47
	484	0	00	60
	485	0	20	52
	486/1	0	15	64
	486/2	0	04	90
	541	0	15	50
	542	0	10	00
	543	0	02	82
	540	0	02	25
	560	0	09	35
	559	0	46	95
	568 Paiki	0	11	82

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	569	0	17	10		300	0	13	94
	573	0	08	52		313	0	13	50
	572/1	0	01	45		314	0	46	50
	572/2	0	09	00	Pij	1680/Paiki	0	08	05
	572/3	0	07	00		1679/Paiki	0	02	10
	572/4	0	07	00		1678	0	01	08
	576	0	10	35		1677/Paiki	0	00	70
	323/1	0	00	50		1686	0	19	68
Vengapur	319	0	28	23		1687	0	18	90
	321	0	00	09		1688	0	12	60
	320	0	26	56		1689/2	0	07	00
	325	0	47	46		1690/2	0	09	80
	326	0	26	84		1691	0	07	56
	328	0	24	88		1692	0	23	67
	329	0	25	20		1694	0	05	66
	330	0	18	32		1671	0	08	45
	331	0	13	66		1670	0	31	18
	332	0	02	69		1699	0	02	52
Rampur	499	0	30	78		1698	0	14	10
	498	0	17	15		1705	0	23	42
	493	0	48	60		1701	0	24	43
	492	0	09	57		1703	0	05	20
	491	0	04	60		1704	0	08	10
	494	0	02	85		1665	0	18	98
	434	0	14	18		1710	0	05	67
	435	0	03	46		1713	0	09	10
	436	0	09	94		1664	0	00	90
	442	0	33	15		1715	0	30	78
	443	0	15	10		1662/Paiki	0	22	26
	444	0	12	76		1642	0	33	49
	363	0	01	67		1640	0	27	60
	351	0	09	65		1639	0	10	78
	352	0	22	94		1638	0	08	80
	353	0	21	90		1646	0	04	00
	355	0	27	82		1637	0	22	13
	308	0	04	58		1647	0	11	25
	309	0	15	36		1636	0	04	05
	302	0	18	42		1648	0	31	18

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1280	0	30	83		731	0	07	20
	1279	0	59	54		730	0	18	65
	1275	0	19	38		726	0	13	00
	1271	0	15	70		722	0	12	32
	1270	0	00	10		721Paiki	0	10	80
	1269	0	01	00		721Paiki	0	09	56
	1189	0	14	25		721Paiki	0	11	10
	1190	0	11	10		720	0	13	07
	1192	0	04	50		709	0	44	43
	1193	0	04	50		710	0	23	80
	1194	0	03	65		602/1	0	35	75
	1196	0	11	44		603/2	0	18	49
	1147	0	01	40		604	0	01	53
	1143	0	06	85		605	0	08	08
	1145	0	02	98		639	0	41	54
	1144	0	18	72		638	0	11	76
	1142	0	16	24		637	0	30	51
	1141	0	04	16		636	0	14	50
	1089	0	19	47		635	0	27	50
	1088	0	08	51		634	0	06	88
	1087	0	06	72		622	0	23	69
	1091	0	07	50		624	0	30	52
	954	0	19	85	Pipalta	1275Paiki	0	24	13
	955	0	09	62		1275Paiki	0	23	92
	953	0	16	70		1275Paiki	0	23	64
	851	0	46	44		1291	0	00	16
	86	0	04	10		1277	0	27	86
		0	16	00		1231	0	01	20
	853	0	05	78		1307	0	06	60
	863	0	01	04		1309	0	16	69
	862	0	12	93		1310	0	16	15
	861	0	12	60		1305	0	09	33
	860	0	00	70		1314	0	03	77
	855	0	15	62		1315	0	09	83
	857	0	08	91		1303Paiki	0	24	44
	733	0	01	50		1343	0	30	49
	732	0	13	45		1344	0	02	54
	729	0	08	26		1359	0	14	23

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	1351	0	11	64		654	0	31	83
	1357	0	09	39		653	0	17	75
	1356	0	00	15		651	0	00	70
	1405	0	03	98		652	0	14	15
	1407	0	34	35		649	0	19	90
	1409	0	01	30		646Paiki	0	24	75
	1408	0	14	38		645	0	00	10
	1406	0	08	78		643	0	13	28
	1452	0	37	09		448	0	16	23
	1451	0	04	56		450	0	01	47
	1453/Paiki	0	04	58		447	0	08	00
	1454	0	13	64		446	0	10	27
	1455	0	13	88		445	0	00	85
	1489	0	20	40		458	0	27	15
	1497	0	31	88		460	0	05	28
	1499	0	41	69		439	0	19	53
	1611	0	06	46		438	0	13	40
	1607	0	07	05		435	0	33	30
	1606	0	06	27		436	0	25	31
	1605	0	06	72		426Paiki	0	03	36
	1603	0	06	34		335	0	00	22
	1604	0	00	06		336	0	22	90
	1602	0	03	34		337	0	02	93
	1601	0	03	39		343	0	55	75
	1600	0	00	94		347	0	01	15
	1599	0	02	84		348	0	17	78
	1598	0	06	63		359	0	07	55
	1595	0	26	51		349	0	04	46
	1596	0	02	25		358	0	08	07
	1579	0	19	47		353	0	09	12
	1575	0	21	26		357	0	16	85
	1677	0	09	22		356	0	05	03
	1562	0	09	77		114Paiki	0	57	96
	1561	0	09	75		115	0	09	58
Piplag	658Paiki	0	05	44		121	0	00	77
	657	0	21	70		120	0	23	40
	656Paiki	0	00	25		119	0	14	80
	656Paiki	0	06	43		118	0	00	25

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	125	0	00	40		1295/2	0	28	68
	98Paiki	0	27	48		1297/1	0	08	70
	126	0	03	90		1300	0	30	88
Nadiad	809/1	0	12	50		1298/6	0	00	60
	809/2	0	05	61		1299/A	0	11	40
	810 A	0	41	86		1299/B	0	26	10
	836/2	0	01	10	Uttarsanda	1120	0	19	93
	835/B	0	03	46		1116	0	16	45
	832/1	0	12	00		1119	0	01	91
	832/2	0	10	06		1117	0	11	44
	833/1	0	00	10		1115	0	19	38
	833/2	0	05	70		1114	0	03	00
	831/A	0	05	26		1093	0	26	54
	831/B	0	19	97		1094	0	01	01
	829	0	28	56		1096	0	03	84
	828/1 /A	0	10	91		1097	0	11	20
	828/1/ B	0	10	90		1091	0	22	44
	828/2	0	06	50		1088Paiki	0	18	16
	827	0	00	50		1089Paiki	0	03	96
	1194	0	02	50		1062	0	25	29
	1193/3	0	09	57		1058	0	17	90
	1192	0	09	85		1060	0	00	62
	1191/1/Paiki	0	01	36		1059	0	17	17
	1195	0	08	79		1057	0	02	10
	1190/3	0	13	70		1055	0	09	87
	1189/3	0	10	80		1056	0	00	60
	1202	0	12	93		1054	0	03	28
	1201	0	13	05		1016	0	23	45
	1204/A	0	08	00		1017	0	12	14
	1204/B	0	08	00		1018	0	04	72
	1204/C	0	01	00		1014	0	15	44
	1204/D	0	01	00		1008Paiki	0	07	42
	1204/L+M+N	0	08	08		995	0	09	31
	1293/5	0	19	80		996	0	11	82
	1296/1/1+2+3	0	01	00		997	0	08	09
	Paiki					100	0	02	35
	1296/2/1+2+3	0	09	00		998	0	17	96
	Paiki					976	0	15	49
	1296/3/1+2+3	0	13	34					
	Paiki								

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	975	0	21	34		323	0	18	10
	974	0	30	54		322	0	33	91
Fatepur	227	0	57	70		320	0	00	49
	228	0	00	22		316	0	32	96
	226	0	02	28		315	0	04	64
	225	0	03	99		349	0	32	46
	224	0	07	30		348	0	22	94
	223	0	06	75		347	0	10	41
	215	0	21	27		435	0	11	05
	209	0	02	02		436	0	08	51
	214	0	03	24		437	0	01	56
	210	0	12	81		441	0	03	04
	212	0	01	21		440	0	04	16
	211	0	08	31		442	0	25	56
	208	0	00	12		445	0	12	10
	62	0	21	83		444	0	00	25
	63	0	15	88		459	0	09	28
	64	0	35	10		457	0	14	45
	66	0	13	80		458	0	07	65
	67	0	24	03		455	0	20	73
	80	0	21	84		456	0	01	10
	81	0	24	32		453	0	23	05
	77	0	03	70	Kanjoda	607	0	18	90
	135Paiki	0	26	13		608Paiki	0	17	10
	136	0	26	22		608Paiki	0	23	43
	155	0	25	65		610	0	06	07
	153	0	08	40		611	0	00	10
	152	0	13	42		629	0	34	74
Salun	543	0	01	70		626	0	23	65
Vata						617	0	25	80
	544	0	17	85		616	0	06	79
	545	0	26	10		620	0	15	15
Salun	275	0	12	92		683	0	34	22
Talpad						684	0	13	05
	274	0	07	25		692	0	05	54
	265	0	00	10		693	0	31	05
	261	0	67	22		705	0	00	12
	306	0	27	50		706	0	15	18
	324	0	00	19					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	707Paiki	0	08	47		532	0	08	79
	709	0	14	48		528	0	15	58
	710	0	24	42		526	0	25	35
	714Paiki	0	17	84		525	0	17	70
	713	0	06	46		521	0	18	48
	728	0	51	47		520Paiki	0	18	20
	31	0	06	98		519	0	34	28
	32	0	11	00		607	0	06	72
	33Paiki	0	11	94		608Paiki	0	25	90
	34	0	02	00		509	0	00	15
	35	0	01	47		621	0	24	23
	30	0	18	65		622Paiki	0	16	25
	36	0	01	37		501 Paiki	0	17	00
	37	0	00	25		623Paiki	0	00	90
	20	0	37	13		623Paiki	0	03	62
	19	0	07	99		624	0	07	79
	18	0	04	13		625	0	11	68
	17	0	13	20		638	0	37	03
	63	0	07	67		637A	0	02	24
	64Paiki	0	52	06		650	0	21	38
	62	0	02	90		652	0	10	73
	61	0	10	95		651	0	03	04
Surasamal	460	0	38	10		653	0	02	40
	461	0	11	76		654	0	01	98
	462	0	27	80		655	0	01	50
	464Paiki	0	04	25		656	0	02	00
	464Paiki	0	04	25		669Paiki	0	14	00
	464Paiki	0	08	30		667	0	16	43
	465	0	15	86		666	0	18	60
	466	0	31	07		665	0	12	45
	468	0	20	15		685	0	06	18
	467	0	00	63		688Paiki	0	22	12
	541	0	29	38		689	0	00	75
	540Paiki	0	27	31		705Paiki	0	37	54
	536	0	14	07					
	537	0	01	95					
	534	0	30	09					
	533	0	06	21					

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	754	0	10	97		180	0	04	33
	753 Paiki	0	16	40		181	0	01	25
	748	0	08	92		179	0	11	20
	749	0	02	10		177	0	05	60
	747	0	00	50		178	0	12	63
	736	0	00	88		422 Paiki	0	22	50
	737	0	17	66		421	0	13	26
	738	0	08	35		420	0	04	16
Chalali	89	0	04	79		410	0	02	87
	86	0	01	85		409	0	10	47
	90	0	05	00		408	0	00	02
	85	0	14	94		808	0	09	00
	83	0	42	20		809	0	06	12
	195	0	01	80		811	0	09	03
	196	0	01	65		812	0	05	60
	244	0	10	71		804	0	06	60
	243	0	09	18		814 Paiki	0	14	09
	236	0	11	75		815	0	50	40
	198	0	00	44		865	0	00	05
	235	0	09	44		861 Paiki	0	31	93
	200	0	03	36		839	0	02	16
	201	0	10	07		840	0	19	35
	229	0	14	91		841	0	16	73
	202 Paiki	0	00	77		832	0	11	41
	230	0	00	15		833	0	07	93
	208	0	04	14		831	0	18	48
	225	0	09	62		834	0	01	57
	209	0	03	19		829	0	08	16
	211	0	08	68					
	222	0	00	01					
	221	0	00	50					
	220	0	08	93					
	214	0	05	97					
	215	0	04	46					

[File No. R-31015/38/97-OR.II]

K. C. Katoch, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 24 जुलाई, 1998

का.आ. 1613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार नोर्थन रेलवे इलाहाबाद के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो सरकार को 23-7-98 को प्राप्त हुआ था।

[संख्या एल-41012/129/94-आई.आर. (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 24th July, 1998

S.O. 1613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Allahabad and their workman, which was received by the Central Government on 23-7-98.

[No. L-41012/129/94-IR (B.I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM- LABOUR COURT PANDU NAGAR, KANPUR

In the matter of dispute :

BETWEEN :

The President,
RCNRM Congress,
2/236 Namneir
Agra.

AND

The Divisional Railway Manager
Northern Railway,
Allahabad.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-41012/129/94/IR. B-1 dated 6-12-95, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of DRM Northern Rly. Allahabad in terminating the services of Sh. Charan Singh S/o. Ganga Sahai w.e.f. 13-7-98, is legal and justified? If not, to what relief the workman entitled?

2. The case of the concerned workman Charan Singh is that he was appointed as Khalasi on 1-8-84 and was working in gang no. 3 under P.W.I. Aligarh Railway Station of the opposite party. As he has completed 120 days he had acquired temporary status. As such he could not be removed from service at the whims of the opposite party. The opposite party had erred in terminating the services w.e.f. 13-7-87.

3. The opposite party did not adduce any evidence within the stipulated time. Instead it filed written statement after the evidence of the concerned workman was closed. It was denied that the concerned workman had acquired temporary status.

2086 GI/98—11

4. In the rejoinder nothing new has been said.

5. In support of his case, the concerned workman Charan Singh examined himself as W.W.I and has duly proved the case. The opposite party was given repeated opportunity to adduce evidence. Ultimately on 9-2-98 the management was debarred from giving evidence. Thus it will be seen that there is un rebutted evidence of the concerned workman from which his case is duly proved.

6. Hence my award is that the termination of the concerned workman is bad in law and consequently he will be entitled for reinstatement without back wages.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 जुलाई, 1998

का.आ. 1614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार उत्तर रेलवे, इलाहाबाद के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-98 को प्राप्त हुआ था।

[संख्या एल-41012/28/92-आई.आर. (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 24th July, 1998

S.O. 1614.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Uttar Railway, Allahabad and their workman, which was received by the Central Government on 23-7-98.

[No. L-41012/28/92-IR (B.I.)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 58 of 1993

In the matter of dispute :

BETWEEN :

Sri Dina Nath Tiwari,
Vice President,
Uttar Railway Karamchhari Union,
2, Naveen Market Prade,
Kanpur.

AND

Mandal Rail Prabandhak,
Uttar Railway,
Allahabad Mandal,
Allahabad.

APPEARANCE :

Shri Dina Nath Tiwari—for the workman.

Shri Hamid Qraishy—for the Management.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41012/28/92-I.R. (D.U.) dated 6-8-93 has referred the following dispute for adjudication to this Tribunal :

Whether the action of the management of D.R.M., Northern Railway, Allahabad in not promoting Shri Bali Ram S/o. Sh. Mahura Prasad to the post of Chief Enquiry and Reservation Clerk w.e.f. from Aug. 1987 is justified? If not, what relief he is entitled to

2. The case of the concerned workman Bali Ram is that he was working as enquiry and reservation clerk before 1987 at Kanpur Railway Station of the opposite party Northern Railway. In the year 1987 the concerned workman along with other were promoted as Chief Enquiry and Reservation Clerk. In this regard a report was asked from Area Manager. By letter dated 12-11-87 Area Manager informed that in a case involving minor punishment he has been awarded punishment by order dated 12-3-86 for withholding of increment of six months. It was further informed that this order was not brought into effect from 12-3-86 upto 23-10-87. On the basis of this report the concerned workman was not promoted. The punishment order against the concerned workman has been set aside by order dated 15-11-88. Hence this impediment was no longer in existence. Hence the concerned workman become entitled for promotion from Aug. 87 when other were promoted.

3. The opposite party was given repeated opportunity but they did not file any written statement.

4. In support of his case the concerned workman Bali Ram WW(1) has examined himself. Beside he has filed Ext. W-1 to Ext. W-7.

5. Ext. W-1 is the letter dated 12-11-87 in which part of punishment has been mentioned and it has been further noticed that punishment order was not brought into force from 12-3-86 to 30-10-87. Ext. 2 is the promotion order dated 26-8-87. Ext. W-3 is the order of management informing that punishment for withholding of increment for six month has been set aside and punishment was reduced to censure.

6. From the above documentary evidence coupled with oral evidence by the concerned workman it is proved that subsequently punishment order was recalled. There after in my opinion the concerned workman had become entitled for promotion as Chief Reservation Clerk from the passing of order dated 26-8-87. As the reasons for withholding of promotion did not remain into existence.

7. In view of above my award is that non promotion of concerned workman to the post of Chief enquiry and Reservation Clerk w.e.f. Aug. 1987 is not justified. Consequently the concerned workman will be entitled for promotion on the above post Aug. 1987 with all consequential benefits.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 जुलाई, 1998

वा.आ. 1615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.ई.आर., गोरखपुर, के प्रबन्ध तंत्र के संबन्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/7/98 को प्राप्त हुआ था था।

[संख्या एल-41011/40/95-आई.आर. (बी-1)]

पी.जे. मार्टिन, डैस्क अधिकारी

New Delhi, the 24th July, 1998

S.O. 1615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of N.E.R., Gorakhpur and their workman, which was received by the Central Government on 23-7-98.

[No. L-41011/40/95 IR(B.D.)]
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 71 of 1996

In the matter of dispute between :

Prem Prakash Srivastava,
General Secretary,
Poorvottar Railway Shramik Sangh,
Office T-16/D, Bauliya Colony,
Gorakhpur.

AND

General Manager,
N.E.R., Gorakhpur.

AWARD

1. Central Government, Ministry of Labour, vide notification No. L-41011/40/95/I.R. B-1 dated 23-7-96, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of North Eastern Rly., Gorakhpur in not providing of the reemployment opportunity to the labourers listed in the seniority list and providing employment to the juniors and allowing the contractors to employ their own labourers in the project works under the railway administration is just and legal? If not, to what relief is the concerned workmen in the list entitled to?

2. A perusal of the aforesaid reference would indicate that mention has been made of a seniority list of workmen in respect of whom claim for reemployment has been referred. During the course of hearing the concerned workmen had given a list of certain candidates. The management had denied that it is the same list of candidate hence workmen were given repeated opportunity to obtain the list of workmen in respect of which dispute has been raised. One such last opportunity was given on 9-5-98 but they failed to supply any list.

3. In my opinion, in the absence of any list of workmen in respect of whom dispute has been raised reference cannot be answered. Accordingly the reference is sent back unanswered for want of above lacuna.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 जुलाई, 1998

का.आ. 1616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देवी पाटन क्षेत्रीय प्राचीन बैंक, गोंडा (यू.पी.) के प्रबन्ध तंत्र के संबन्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23/7/98 को प्राप्त हुआ था।

[संख्या एल-12012/4/93-आई.आर. (बी-1)]

पी.जे. मार्टिन, डैस्क अधिकारी

New Delhi, the 24th July, 1998

S.O. 1616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Devi Patan Kshetriya Gramin Bank, Gonda (U.P.) and their workman, which was received by the Central Government on 23-7-98.

[No. L-12012/4/93-IR(B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 44 of 1993

In the matter of dispute between :

N. B. Singh,
C/o Shri O. P. Nigam,
295/387, Deen Dayal Road,
Ashrafabad, Lucknow.

AND

Chairman,
Devi Patan Kshetriya Gramin Bank,
Phool Bila,
396, Malviya Nagar,
Gonda (U.P.).

APPEARANCES :

Shri B. P. Saxena for the Workman.

Shri V. K. Gupta for the Management.

AWARD

1. Central Government, Ministry of Labour, New Delhi vide its Notification No. L-12012/4/93-IR (B-I) dated 5-5-98 has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of Devi Patan Kshetriya Gramin Bank in imposing the punishment of reduction in pay by one stage on Shri N. B. Singh, Junior Clerk-cum-Cashier, is legal and justified? If not to what relief the workman is entitled to?

2. There is no dispute that concerned workman N. B. Singh was working as Junior Clerk-cum-Cashier at Bethniva branch of Devi Patan Kshetriya Gramin Bank, Gonda. He was issued a charge sheet dated 17-5-89 the substance of which are as under :

There was C.A. 59 of M/s. Bharat Enterprises Naya Bazar Pachpura, Gonda. It is alleged that on 10-3-88 in that capacity he had made a false entry of Rs. 30600 in the ledger of this customer in order to give benefit to customer of over drawal. This was done without any voucher or cash deposit. On that very date Rs. 25600 was deposited though voucher by this customer but its entry was not made in the ledger by the concerned workman. In this way the bank was put to loss of Rs. 5000.

3. The enquiry officer after holding enquiry, recorded was given dated Nil holding that both the charges were proved. On the basis of this report after issuing usual show cause notice punishment by way of deduction of pay by one stage was passed. Feeling aggrieved the concerned workman has raised the instant Industrial Dispute.

4. In the claim statement fairness and propriety of domestic enquiry was challenged. It was further explained that what ever entry in ledger were made on the instructions of manager Shashi Kant Shukla. In any case this amount has been realised.

5. The opposite party has filed reply in which it has been alleged that enquiry was fairly and properly held and the concerned workman has actually committed mistake.

6. In the rejoinder nothing new has been alleged.

7. On the pleading of the parties this Tribunal framed a Preliminary issue regarding fairness and propriety of domestic enquiry. Vide finding dated 25-11-97 it was held that enquiry was not fairly and properly held as much as opportunity to adduce evidence in defence was not given.

8. Thereafter management was given opportunity to prove misconduct on merits. Management examined Umesh Singh, MW (1) Area Manager of the opposite party Bank. In rebuttal the concerned workman N. B. Singh, WW (1) examined himself.

9. Having heard both side and gone through the record I think there is no need to record finding as in any opinion holding of enquiry is itself is not legally justified. Ext. W-1 is the copy of letter dated 3-1-89 is issued by General Manager to the concerned workman by which the concerned workman was required to deposit Rs. 5000 together with 17.5 per cent interest within 10 days failing which departmental enquiry will be held against him. Ext. W-2 and Ext. W-3 are the letter issued by the Branch Manager informing to show that this amount together interest has been deposited. I think once the delinquent had complied with the demand of the bank by depositing Rs. 5000 together with interest in terms of letter dated 3-1-89 the bank will be denied to have waived their right to hold enquiry in the matter on the principle of promissory estoppel. Hence I am of the opinion that the very issuance of charge-sheet to the concerned workman with regard to the incident is paid in law. Consequently the punishment awarded on the basis of this enquiry is also not justified.

10. In view of above discussion my award is that the punishment awarded to the concerned workman by reducing his pay by one stage is bad in law. Hence he will be entitled for all financial benefits as if no such punishment existed.

B. K. SRIVASTAVA Presiding Officer

नई दिल्ली, 24 जुलाई, 1998

का.आ. 1617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया आगरा के प्रबन्ध तंत्र के संवद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-7-98 को प्राप्त हुआ था।

[संख्या एल-12012/142/95-आई.आर. (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 24th July, 1998

S.O. 1617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Agra and their workman, which was received by the Central Government on 23-7-1998.

[No. L-12012/141/95-IR (B.I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 96 of 1996

In the matter of dispute :

BETWEEN

Assistant Regional Secretary
SBI Employees Association
24 Laxmi Market Belligani
Agra.

AND

Dy. General Manager,
State Bank of India
Zonal Office Sanjai Place
Agra.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/142/95-LR, (B-J) dated 7-10-96, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of SBI Agra to deny employer employee relationship with Sri Amar Singh workman SBI Raja Ki Mandi, Agra, is legal and justified ? If not to what relief he is entitled ?

2. It is unnecessary to narrate pleading of the parties as if even the reference is answered in favour of the concerned workman Amar Singh he will not be entitled for any relief, as unless and until the point in dispute regarding termination or absorption in service any way has specifically referred, the same cannot be answered because of embargo of Section 10(4) of I. D. Act. When this defect is pointed out to the authorised representative of the concerned workman he conceded that the instant reference suffers from this lacuna. He further submitted that he would seek modification in the reference, but till date nothing was done. In its absence I have no option but to sent back reference unanswered with the observation that the concerned workman will not be entitled to any relief. However, it will be open to the concerned workman to seek complete reference once again.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 जुलाई, 1998

का.प्रा. 1618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ए एन जैड ग्रिन्डलेज बैंक कलकत्ता के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[संख्या एल-12011/24/82-डी II (ए)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1618.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ANZ Grindlays Bank, Calcutta and their workman, which was received by the Central Government on 27-7-1998.

[No. L-12011/24/82-D.II (A)]

P. J. MICHAEL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 27 of 1982

PARTIES :

Employers in relation to the management of Grindlays Bank Limited, Calcutta

AND

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. G. C. Chakraborty, Advocate.

On behalf of Workmen—Mr. K. Chatterjee, Advocate.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. L-12011/24/82-D.II (A) dated 18th August, 1982 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Grindlays Bank Limited in refusing the workmen engaged in canteens at various Branches of Grindlays Bank Limited in Calcutta, represented by Grindlays Bank Ltd. Staff Canteen Karamchhari Union, the wages and facilities as are available to other workmen of the Bank is justified ? If not, to what relief the concerned workmen are entitled ?"

2. When the case is called out today, learned Advocate of both the parties appear and file joint petition of compromise annexing therewith memorandum of settlement arrived at between the parties on 9-7-1998 and also praying for passing an Award in terms of the said settlement.

3. Heard the learned Advocates appearing for the parties.

4. I have gone through the terms of the settlement which appears to be legal and fair. An Award is accordingly passed in terms of the joint petition of compromise which is made part of this Award as Annexure-1.

This is my Award.
Dated, Calcutta,
The 10th July, 1998

A. K. CHAKRAVARTY, Presiding Officer

ANNEXURE 1

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL CALCUTTA

Reference No. 27 of 1982

In the matter of

An industrial dispute :

BETWEEN

The Employer in relation to the Management of Grindlays Bank Limited (now known as ANZ Grindlays Bank PLC)

AND

Their Workman represented by Grindlays Staff Canteen Karamchhari Union now known as ANZ Grindlays Bank Staff Canteen Karachari Union, 19, Netaji Subhas Road, Calcutta-700001.

Humble joint compromise petition on behalf of the Management and the Union abovenamed.

Most Respectfully Sheweth :

1. That the Management and the Union have arrived at and signed an agreement to amicably settle the dispute. Circumstances reaching to the settlement will appear from the Agreement dated

A copy of the said agreement with its annexures and schedules is annexed hereto marked with Annexure "A" to this petition which may please be treated as a part of this petition.

2. That the Management and Union jointly and severally submit that award may kindly be passed by this Hon'ble Tribunal in terms of the said agreement dated 9-7-78 being

Annexure "A" to this petition) as per the terms of settlement set out in the said agreement and the award shall come into effect from the date of passing the award by this Hon'ble Tribunal.

3. That this petition is made bonafide and for the ends of justice and equity :

Hence it is humbly prayed that Your Lordship would graciously be pleased to pass an award as per the terms of the said agreement dated 9-7-98 being Annexure "A" to this petition and the said award may please be made effective from the date of passing the award and/or to pass such other order or orders as this Hon'ble Tribunal may deem fit and proper.

And for this act of kindness, your petitioners as in duty bound shall ever pray.
Sd/-

ANZ Grindlays Bank Ltd.
ACN 078230190
Director Retail Banking East India
Management ANZ Grindlays Bank Ltd.

Grindlays Bank Ltd. Staff Canteen Karmachari Union
Regd. No. 14426

19, Netaji Subhas Road, Calcutta-700001

Sd/-

Secretary

ANZ Grindlays Bank Staff
Canteen Karmachari Union
Dated : 9-7-1998

ANNEXURE "A"

MEMORANDUM OF SETTLEMENT
MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF THE ANZ GRINDLAYS BANK LTD. CALCUTTA AND CANTEEN EMPLOYEES REPRESENTED BY GRINDLAYS BANK LTD. STAFF CANTEEN KARMACHARI UNION AND ALL BANK CANTEEN EMPLOYEES UNION, CALCUTTA ON
JULY 9TH, 1988

PARTIES PRESENT :

Representing the Bank :

1. Mr. Karan Bhalla,
Director Personal Bank, East India
19 N. S. Road, Calcutta-700001.
2. Mr. Prasanta Sarkar
Area Employee Relations Manager
19 N. S. Road, Calcutta 700001.

Representing the Canteen Employees :

1. Mr. Basudev Ghosh
General Secretary
Grindlays Bank Ltd. Staff Canteen
Karmachari Union, Calcutta.
2. Mr. Tapan Daw
General Secretary,
All Bank Canteen Employees Union,
Calcutta.

Short Recital of the case :

Whereas the employees engaged in the canteens at the various branches of ANZ Grindlays Bank (hereinafter referred to as the Bank) in Eastern India represented by the Grindlays Bank Staff Canteen Karmachari Union (GBSCKU) and All Bank Canteen Employees Union (ABCEU) have for the last several years claiming themselves to be employees of the Bank and demanding salary and emolument as are available to the employees of the Bank.

Whereas the Bank has all along contested such claim contending that such employees are not employees of the bank but employees of the respective canteen committees.

Whereas the said employees engaged in the canteen represented by the GBSCKU and ABCEU have from time to time resorted to agitation to press their demands.

Whereas the claim of the employees engaged in the canteens represented by GBSCKU as also the agitation to which they have resorted have led to prolonged litigation/legal proceedings particulars whereof are given in Annexure-I hereto.

Whereas the GBSCKU raised a dispute before the Regional Labour Commissioner (C)/Calcutta, which ended in failure and a reference was made in the year 1982 by the Government of India Ministry of Labour, before the Central Government Industrial Tribunal, Calcutta as under :

"Whether the action of the Management of the Grindlays Bank Limited in refusing the workmen engaged in canteens at various branches of Grindlays Bank Ltd. in Calcutta represented by Grindlays Bank Ltd. Staff Canteen Karmachari Union, the wages and facilities as are available to the other workmen of the Bank is justified? If not, to what relief the concerned workmen are entitled?"

Whereas the above dispute is pending adjudication before the Central Government Industrial Tribunal for almost 16 years.

Whereas individual canteen employees, in the meanwhile considered that the dispute raised on their behalf of the GBSCKU on the 'status' of the canteen employees vis-a-vis ANZ Grindlays Bank Ltd. have been pending for a long time before various forums and in view of the lengthy process of litigation and uncertainty they have expressed their desire to the Canteen Committee/GBSCKU in writing by letters with copies endorsed to GBSCKU/ABCEU tendering resignation from the services of the canteen against payment of some amount to help them to settle down.

Whereas the GBSCKU and ABCEU after consulting and discussing over the issue of resignation of individual canteen employees among themselves alongwith all canteen employees and upon concurrence from all of them, have recommended to the Canteen Committee, Grindlays Bank Employees Association (GBEA)/ABCEU in writing with a copy to the Bank, to take appropriate steps to close the issue at the earliest. They also confirmed that neither they nor the canteen employees under reference shall have any claim of any nature whatsoever on any matter pertaining to their services with the canteen against the Canteen Committee constituted by GBEA or against the Bank.

Whereas in the course of such discussions the employees engaged in the canteen represented by GBSCKU and ABCEU informed the bank that the said employees were no longer interested in service at the canteens.

Whereas the employees engaged in the canteen represented by GBSCKU and ABCEU requested the Bank to pay some amount to canteen employees to enable them to settle down and also requested that if for 6 canteen employees, the Bank could consider their absorption, which would be in full and final settlement of all claims of such employees, GBSCKU and ABCEU also confirmed to the Bank that such canteen employees are not employees of the Bank and neither they nor the canteen employees under reference who are covered by the reference No. 27 of 1982 pending before Central Government Industrial Tribunal and other members who are their members but not covered under reference No. 27 of 1982 shall have any claim whatsoever against the Canteen Committee constituted by the majority union, currently GBEA or against the Bank.

Whereas the bank without prejudice to its contention that such canteen employees are not the employees of the bank has acceded to their request to avoid acrimony and to put an end to protracted litigation involving waste of invaluable time, manpower and enormous expenses.

Whereas the parties have decided to withdraw all proceedings against each other.

Whereas the parties have after due consideration, deliberation and mutual discussion agreed to enter into an settlement on the following terms and conditions :

Terms and Conditions :

1. The employees engaged in canteen At Various Branches represented by GBSCKU hereby agree and accept that they are not employees of the bank and consequently give up and withdraw their demand for salary and emoluments at par with those of the employees of the bank.

2. Fifty five employees engaged in the various canteens of the bank in the City of Calcutta represented by the GBSCKU will voluntarily resign from the services of canteens. The said employees will individually tender their resignation to the canteen committee, GBEA and GBSCKU within forty eight hours of signing of this settlement and the canteen committee, GBEA and GBSCKU will forward the said letters to the Bank.

3. The bank will without prejudice to its contention that the said canteen employees engaged in the canteens are not the employees of the bank, pay as a mark of good gesture some amount to such canteen employees as indicated in Annexure II to this settlement in full and final settlement of all claims of such employees against the respective canteen committees and/or the bank. No such canteen employees shall have any further claim of any nature whatsoever either against the Canteen Committees or against the bank.

4. The bank will without prejudice to its contentions as aforesaid and without creating any precedent and as a mark of good gesture absorb 6 employees without prospective effect and shall not be entitled to any amount/any claim whatsoever in respect of their engagement by the canteen committees in canteens whose names are given in Annexure III hereto as employees of the Bank subject to their medical fitness and will place them in the lowest point in scale of 1600140/1-1640-50/1-1690-60/4-1930-70 /4-2210-80/3-2450-90/ 3-2720-100/3-3020 which is the lowest scale available to an employee of the Bank. The services of such 6 employees will be transferable and they will be liable to perform such duties pertaining to their scale as the Management of the bank may direct. The said 6 employees also will not have any further claim of any nature whatsoever either against the Canteen Committees or against the Bank.

5. The canteen employees engaged in canteens represented by GBSCKU and ABCEU and the Bank agree to withdraw all proceedings pending in various forums particulars whereof are given in Annexure-I hereto and/or not to proceed with the same.

6. The canteen employees engaged in the canteens represented by the GBSCKU & ABCEU will within a week from the date of execution of this settlement file an application before the Central Government Industrial Tribunal for recording of this settlement and disposal of the pending reference No. 27 of 1982 in terms of this settlement.

7. The parties hereto will within a week from the date of execution of this settlement file applications in all the other pending proceedings particulars whereof have been given in Annexure-I hereto enclosing this settlement and obtain appropriate orders for withdrawal/dismissal of the said proceedings.

8. The parties to this settlement will not further proceed with and/or take any further steps in the proceedings pending between the parties save and except steps as stipulated in Clauses 6 and 7 hereinabove.

9. The GBSCKU and ABCEU undertakes to get an affidavit affirmed by Sm. Labanya Bala Chatterjee in Writ Petition No. 440 of 1997 that in view of this settlement she accepts the position that her deceased husband late Makhan Lal Chatterjee was not an employee of the Bank and hence her application for gratuity was not maintainable and the order dated 17th January, 1997 passed by Mr. S. K.

Chand, Assistant Labour Commissioner (Central), Calcutta—H.Q. & Controlling Authority under Payment of Gratuity Act 1972 be quashed by consent and cause of the same to be filed before the Hon'ble Court for getting the impugned order quashed by consent. Such affidavit shall be filed within 3 days of signing this settlement.

10. It is hereby agreed that the Bank as a matter of good gesture though the person has no legal right to claim any amount whatsoever will pay some amount as per Annexure-II to the widow of one canteen employee who died while working at canteen at Bank's G C Avenue Branch at 69, Ganesh Chandra Avenue, Calcutta as only a sole surviving heirs and legal representative who will be identified by GBSCKU and ABCEU and Bank will owe no responsibility about the same.

It is hereby agreed that if any canteen employee or employees is found dead after 1st July 1998 the amount agreed to be paid to such employee or employees, shall be paid to this/their legal heirs and legal representative who will be identified by GBSCKU and ABCEU and Bank will owe no responsibility about the same.

11. The amount payable to canteen employees engaged in canteens as agreed will be made within ten days on receipt of the certified copy of order with regard to passing of award of the Central Government Industrial Tribunal upon filing of the Terms of settlement and disposing of the reference No. 27 of 1982 and orders of closure of other cases/disputes pending before various forum. Appointment letters to the 6 employees named in Annexure-III hereto will be issued within twenty days from the date of receipt of such award and orders of closure of other cases/disputes pending before various forum.

In any event, on such receipt of such amount payable to the persons named in Annexure-II hereto said persons shall have no manner of connection either with the canteen committees or with the Bank and shall have no claim, statutory or otherwise, either against the Canteen Committees or against the bank.

12. Before releasing payments, individual canteen employees, Grindlays Bank Ltd. Staff Canteen Karmachari Union, All Bank Canteen Employees Union shall vacate the premises occupied by them.

13. It is made absolutely clear that this settlement is being executed to avoid acrimony and litigation and is without prejudice to the contention of the bank that the employees engaged in staff canteens are not employees of the bank.

Regd. No. 14436

19, Netaji Subhas Road, Calcutta-700001

Sd/-
Secretary

FOR GRINDLAYS BANK LTD. STAFF
CANTEEN KARMACHARI UNION

2. Sd/-Tapan Dev
Secretary

FOR ALL BANK CANTEEN
EMPLOYEES UNION

1. Sd/-

FOR ANZ GRINDLAYS BANK LTD.

2. Sd/- (PRASANTA SARKAR)

FOR ANZ GRINDLAYS BANK LTD.

LIPSA MISHRA,

Area Manager,

Human Resources Centre-East

WITNESS :

ALL INDIVIDUAL EMPLOYEES

COURT CASES

ANNEXURE - I

Sl. No. Case Details

1. Ref. No. 7(M)/98, ALC-II dated
27-1-98

Pending before the Asstt. Labour Com-
missioner (C)

All Bank Canteen Employees Union
Versus

ANZ Grindlays Bank Ltd., Hongkong
Bank & Standard Chartered Bank
Re: Charter of Demand placed by All
Bank Canteen Employees Union

2. Ref. No. 27 of 1982

Before the CGIT
Grindlays Bank Versus GBCKU
Re: Demand for absorption in Bank's
service

3. Ref. No. 2 of 1998

Before Central Government Industrial
Tribunal, Calcutta
ANZ Grindlays Bank Ltd.
Versus

Grindlays Bank Staff Canteen Karma-
chari Union (GBCKU)

Re: Ref. No. 7/7/96-ALC-II dated
13-2-96

Before ALC (C)
GBCKU Versus ANZ Grindlays Bank
Re: Alleged dispute over violation of
terms of agreement raised by Grindlays
Bank Staff Canteen Karmachari Union

in respect non sanctioning of loan to
canteen karmacharis

4. Cr. Apl. No. 33 of '94
Before the Learned Chief Judge City
Civil & Sessions Court, Calcutta
Basudev Ghosh
Versus

1. ANZ Grindlays Bank—Represented
by Jayanta Kr. Basu

2. The State

Re: Appeal against order dt. 6-10-94
passed by the Court of Mr. B. Mukho-
padhyay the Learned Metropolitan
Magistrate, 5th Court, Calcutta in case
No. C/1581 of '92 (ANZ Grindlays
Bank PLC Vs. Basudev Ghosh & Ors.)

5. Suit No. . . . of 1993

Re: Suit No. 491 of 1989
In the High Court at Calcutta
Grindlays Bank Versus Grindlays Bank
Ltd. Staff Canteen Karmachari Union
& Others

Re: Various orders including injunc-
tion obtained from the Calcutta High
Court against the agitational action of
Canteen Karmachari Union and its
functionaries

6. C.R. No. 1541 of 1992

In the High Court at Calcutta
ANZ Grindlays Bank Versus Panchu
Das

Re: Bank's Criminal Revision Applica-
tion against the order passed by the
Learned Magistrate in Case No. C/48
of 1991 requiring Mr. G. G. Vaidya to
appear in the Case No. C/48 of 1991 at
each hearing.

7. Case No. C/48 of 1991

In the Court of Chief Metropolitan Ma-
gistrate, Calcutta
G. G. Vaidya Versus Panchu Das
Re: Misbehaviour with Mr. N. V. Sri-
nivasan and other Officers at his cham-
ber by Mr. Das, a worker of Staff
Canteen.

8. W.P. No. 440 of '97

In the High Court at Calcutta
ANZ Grindlays Bank Versus Union of
India, RLC (C) & Ms. Labanya Bala
Chatterjee

Rs: An impugned order dated 17-1-97
passed by the ALC (C), Calcutta-H.Q.
& Controlling Authority under the Pay-
ment of Gratuity Act 1972 a/c Ms.
Labanya Bala Chatterjee

ANNEXURE - II

No.	Name	Amount
1.	SK. JUMAN	150000
2.	SK. IMDAD	120000
3.	SK. HABIB MOHAMMED	150000
4.	GOPAL DAKUA	120000
5.	SACHIN NAYAK	150000
6.	SK. IMTIAZ ALI	120000
7.	MD. SABIR KHAN	120000
8.	BISWANATH DAS	120000
9.	SK. HAMIDULLAH	150000
10.	MD. NAZRUL ISLAM	120000
11.	RAJESH OSTA	120000
12.	DILIP DUTTA	150000
13.	MD. YASIN	150000
14.	GOPINATH MALLICK	120000
15.	SK. SARFUDDIN	150000
16.	SK. FAKRUDDIN	120000
17.	RAJ KR. BEHERA	120000
18.	SK. KALIMULLAH	150000
19.	JHANTU GIRI	150000
20.	DINESH MIDHA	150000
21.	SK. YUSUF	120000
22.	ISMAIL KHAN	150000
23.	BAIRAGI SHAW	150000
24.	DHIRENDRA N. DUTTA	150000
25.	MADHUSUDHAN MAITY	150000
26.	PREMANGSHU BANERJEE	150000
27.	SILENDRA N. DUTTA	150000
28.	PRATAP CH. SARKAR	150000
29.	SREEDAM GHOSH	150000
30.	BABAJI BEHRA	150000
31.	ISWAR SETHI	150000
32.	PANCHU DAS	150000
33.	PARBOTI DHARA	150000
34.	BISWANATH SINGHA	150000
35.	SUBRATO GHOSH	150000
36.	CHIRANJIB CHAKRABORTY	150000
37.	SREEKANTO PARAMANICK	150000
38.	SHYAMAL DAS	150000
39.	TAPAS GURIA	120000
40.	JOGENDRA N. PATHRA	150000
41.	PROVAT CH. DAS	150000
42.	NETAI CH. MODAK	150000
43.	RADHA KANTO MONDAL	150000

44.	PINTOO DAS	150000
45.	ASOKE MONDAL	150000
46.	KARTICK BERA	150000
47.	MAHADEB MONDAL	150000
48.	BULU GHOSH	150000
49.	SHANKAR BHATTACHARYYA	120000
50.	SUKUMAR DAS	150000
51.	KALIPADA MAITY	150000
52.	SHYAM SUNDAR JENA	150000
53.	BARENDRA RAJ	150000
54.	NETAI CH. DAS	150000
55.	SAMIR GHOSH	120000
56.	WIFE OF LATE AKHIL MITRA	50000
TOTAL		7880000

ANNEXURE - -III

Sl. No.	Name
1.	BASUDEB GHOSH
2.	NETAI CH. NAYAK
3.	TARAK CHATTERJEE
4.	ANANDA BHUIYA
5.	TAPAN JANA
6.	MONTU ROY

नई दिल्ली, 27 जुलाई, 1998

का.प्र. 1619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ए.एन. जैड ग्रिडलेस बैंक कलकत्ता-1 के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-7-98 को प्राप्त हुआ था।

[संख्या एल-12012/01/97-आई.आर (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ANZ Grindlays Bank, Calcutta 1 and their workman, which was received by the Central Government on the 24-7-98.

[No. L-12012/01/97-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 13 of 1998

Parties :

Employers in relation to the management of
 ANZ Grindlays Bank, Calcutta-1.

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management.—Mr. G. C. Chakraborty, Advocate.

On behalf of Workmen.—None.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012/01/97-IR(B-I) dated 27-3-1998 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of ANZ Grindlays Bank, Calcutta in installing sophisticated computers beyond settlement award is justified ? If not, what relief the workmen are entitled ?”

2. When the case is called out today, none appears for the workmen/union, nor any step is taken on its behalf. Management is represented by its learned Advocate. It appears from the last order dated 2-6-1998 that the union was directed to file written statement today as last chance. It further appears that the notice was duly served upon the union. Since the union has not taken any step in spite of the said order, it is clearly discernable that the union is no longer interested in conducting the case.

3. In the aforesaid circumstances, in the absence of any material whatsoever for any decision in respect of the schedule of reference, this Tribunal has no other alternative but to pass a “No Dispute” Award.

4. A “No Dispute” Award is accordingly passed and the reference is disposed of.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
 Dated, Calcutta

The 2nd July, 1998.

नई दिल्ली, 27 जुलाई, 1998

का.प्र. 1620 औद्योगिक विवाद अधिनियम, 1947
 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार
 2086 GI/98—12.

ए एन जेड ग्रिडलेस बैंक कलकत्ता-1 के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-7-98 को प्राप्त हुआ था।

[संख्या एन-12012/189/96-आई.प्रार (बी-1)]
 पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1620.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ANZ Grindlays Bank, Calcutta 1 and their workman, which was received by the Central Government on the 24-7-98.

[No. L-12012/189/96-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 5 of 1998

Parties :

Employers in relation to the management of
 ANZ Grindlays Bank, Calcutta-1.

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management.—Mr. G. C. Chakraborty, Advocate.

On behalf of Workmen.—None.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12012/189/96-IR(B-I) dated 3-2-1998 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of ANZ Grindlays Bank to pay Rs. 200/- less to Shri Biswanath Das, canteen boy from June, 1993 is justified ? If not to what relief the workman is entitled ?”

2. When the case is called out today, none appears for the union, no step is also taken on its behalf for filing written statement. Management, however, is represented by the learned Advocate. It appears from the record that the union was directed to file written statement on three earlier occasions, namely, on 23-2-1998, 5-5-1998 and 25-5-1998 and the Tribunal

suo moto granted adjournment even though no step was taken on behalf of the union. It is accordingly clear that the union is no longer interested in proceeding with the case any further.

3. In the aforesaid circumstances, in the absence of any material whatsoever for any decision in respect of the schedule of the reference, this Tribunal has no other alternative but to pass a "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Dated, Calcutta,

The 1st July, 1998.

नई दिल्ली, 27 जुलाई, 1998

का.प्रा. 1621 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ए. ऐन जैड ग्रिन्डलेस बैंक, कलकत्ता के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[संख्या एल-12012/230/96-आई.आर. (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1621.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of ANZ Grindlays Bank, Calcutta and their workmen, which was received by the Central Government on the 24-7-98.

[No. L-12012/230/96-IR(B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 2 of 1998

Parties :

Employers in relation to the management of ANZ
Grindlays Bank, Calcutta-1.

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCES:

On behalf of Management.—Mr. G. C. Chakravarty, Advocate.

On behalf of Workmen.—Mr. K. Chatterjee.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. 1 12012/230/96-IR (B-I), dated 21-1-1998 the Central Government in exercise of its powers under sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of ANZ Grindlays Bank not giving loan to the workmen working in the Canteen as per Cl. 3 of the settlement dated 31-5-94 is justified? If not, to what relief the canteen workman are entitled?"

2. When the case is called out today, learned Advocates for both the parties appear and file joint compromise petition praying for passing a "No Dispute" Award since the present dispute under reference has already been settled between the parties.

3. There being thus no dispute between the parties in respect of the schedule under reference, the reference is disposed of by passing a "No Dispute" Award"

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 1st July, 1998

नई दिल्ली, 27 जुलाई, 1998

का.प्रा. 1622.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे, जोधपुर के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निदिष्ट विवाद में औद्योगिक अधिकरण जोधपुर के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-7-98 को प्राप्त हुआ था।

[संख्या एल-41011/43/91-आई.आर. (बी-1)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jodhpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Uttar Rly. Jodhpur and their workman, which was received by the Central Government on 24-7-98.

[No. L-41011/43/91-IR(B-I)]

P. J. MICHAEL, Desk Officer

अनुबंध

श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी : श्री चांदमल तोतला, आर. एच. जे. एस.
केन्द्रीय औ. वाद संख्या : 4/1992

- रणजीत पुत्र भोलाराम
- श्री पप्पू पुत्र बस्तीराम
- नेमाराम पुत्र बुढाराम
- अन्वाराम पुत्र घेवरराम
- बहावर राम पुत्र घेवरराम
- नेमाराम पुत्र नारायण राम
- ओमाराम पुत्र मिसरराम
- छगनलाल पुत्र छिनाराम
- पुनमचन्द पुत्र हरीश
- श्रीमती आयचुकी पत्नि छेलाराम
- श्रीमती किरण पुत्री गबरू
- प्रकाश पुत्र चौथूराम
- हरीश पुत्र नाथूराम
- नत्थू पुत्र अचलदास

सभी श्रमिकगण जरिये, सचिव, अखिल भारतीय रेल
सफाई कर्मचारी संघ,

1-पी-4, मधुवन वासनी, जोधपुर-302001
—प्रार्थीगण

बनाम

मण्डल रेलवे प्रबन्धक, उत्तर रेलवे, जोधपुर-302006
—अप्रार्थी

उपस्थिति :—

- (1) प्रार्थी की ओर से श्री राजेन्द्र चारण प्रतिनिधि उप.
- (2) अप्रार्थी की ओर से श्री सुशील कुमार माथुर प्रतिनिधि उप.

अधिनिर्णय

दिनांक : 4-6-1998

श्रम मंत्रालय भारत सरकार की विज्ञप्ति संख्या एल. 41011/43/91-आई.आर. (डी.ए.) दिनांक 6-1-1992 से मण्डल रेलवे प्रबन्धक उत्तर रेलवे जोधपुर तथा उनके पूर्णकालीन सफाई कर्मचारियों के मध्य उत्पन्न हुआ निम्नांकित औद्योगिक विवाद औद्योगिक विवाद अधिनियम की धारा 10 के अन्तर्गत अधिनिर्णय हेतु इस औद्योगिक न्यायालय को प्रेषित किया गया जो दिनांक 4-7-1992

को नियमित केन्द्रीय औद्योगिक विवाद सं. 4/92 पंजीबद्ध हुआ :—

“क्या उत्तर रेलवे जोधपुर प्रबन्धन द्वारा अपने पत्र सं. 220ई/भर्ती/सफाई वाला ई/91 दिनांक 13-12-90 के अनुसार सफाई वालों की भर्ती के समय निम्न छंटनी किये हुए सफाई वालों को पुनः नियोजन हेतु अवसर नहीं देना तथा अंशकालीन सफाई वाले सर्व श्री सत्यनारायण पिपाड़ रेलवे स्टेशन तथा ओमाराम महामंदिर रेलवे स्टेशन पर पदस्थ को नियमित नियोजन का अवसर नहीं देना उचित है अगर नहीं तो संबंधित कर्मकार किस लाभ के अधिकारी हैं?”

नाम	पिता का नाम	स्थान	कार्य अवधि विवरण तिथि
1. रणजीत श्री भोलाराम		निर्माण वि. मेड़तारोड	8-8-80 से 25-9-88
2. पप्पू श्री बस्तीराम		मु. स्व. नि. मेड़तारोड	20-8-79 से 7-9-85
3. श्री नेमाराम पुत्र बुढाराम		„ जोधपुर	5-3-78 से 12-9-89
4. अन्वाराम पुत्र घेवरराम		निर्माण निरी. वि. मेड़तारोड	3-1-72 से 5-10-72
5. बहादुरराम पुत्र घेवरराम		स्टेशन अदारामसर	18-12-80 से 14-5-82
6. नेमाराम पुत्र नारायणराम		रेल वय निरी. मेड़तारोड	26-10-76 से 16-8-85
7. ओमाराम पुत्र मिसरराम		स्टे. लोहावट	24-3-78 से 30-9-85
8. छगनलाल पुत्र छिनाराम		निर्माण निरी. जोधपुर	10-8-70 से 20-1-71
9. पुनमचन्द पुत्र हरीश		वरि. स्वा. नि. जोधपुर	8-3-75 से 29-9-88
10. आयचुकी पत्नि छेलाराम		वरि. स्वा. निरी. स्टे. जोधपुर	23-9-79 से 16-9-89
11. किरण पुत्री गबरू		„ „ „	23-9-79 से 100 दिन
12. प्रकाश पुत्र चौथूराम		निर्माण निरी. राई का बाग	23-9-70 से 4-10-86
13. हरीश पुत्र नाथूराम		रे. अस्पताल, जोधपुर	1-5-82 से 4-10-86
14. नत्थू पुत्र अचलदास		„ „ „	1-5-82 से 4-10-86

उपरोक्त विवाद के संबंध में सचिव अखिल भारतीय रेल सफाई कर्मचारी संघ के माध्यम से प्रस्तुत मांग-पत्र आवेदन में बताया गया है कि मण्डल रेलवे प्रबन्धक उत्तर रेलवे जोधपुर के दिनांक 13-12-90 के पत्र में सफाई वालों के रिक्त पदों को भरने हेतु भर्ती की प्रस्तावना की गई तथा विवाद में वर्णित कामकारों ने इस आदेश के अनुसार भर्ती हेतु आवेदन किया परन्तु मण्डल रेल प्रबन्धक, जोधपुर के दिनांक 4-1-1991 के पत्र के अनुसार पूर्व में छंटनी किये गये कैजुअल लेबर एवं कार्यरत पार्टटाईम कामकारों को साक्षात्कार से वंचित किया गया। आवेदन में बताया गया है कि रेल प्रबन्धक, जोधपुर के दिनांक 4-1-1991 के आदेश से 19-20 जनवरी को साक्षात्कार में अन्य व्यक्तियों को बुलाया गया जो कि रेल विभाग में कहीं भी अस्थाई या अंशकालीन तौर से नियोजित नहीं थे तथा इन व्यक्तियों को 27-3-91 को सफाई कार्य हेतु भर्ती कर लिया गया जिनके नाम सर्व श्री लोकेश रोशन अली, भंवर सिंह, सूरज प्रकाश, विजेश इत्यादि हैं तथा 45 व्यक्तियों को भर्ती किया गया जो भर्ती औद्योगिक विवाद अधिनियम की धारा 25-एफ व ज के विरुद्ध होकर अवैधानिक है—

प्रार्थी संघ द्वारा इस मामले का समाधान तथा छंटनी किये हुए कामकारों की भर्ती व भर्ती में प्राथमिकता देने हेतु 30-3-91 को पंजीकृत डाक से रेलवे प्रबन्धक को शपथ प्रस्तुत किया परन्तु जोधपुर कार्यालय तथा बड़ोदा हाऊस नई दिल्ली द्वारा इस मामले में कोई कार्यवाही नहीं किये जाने पर प्रार्थी संघ ने 21-4-91 को एक प्रस्ताव पारित किया तथा विपक्षी को 25-4-91 को विधिवत् हड़ताल का नोटिस देकर 30-5-91 के पश्चात् हड़ताल पर जाने का निर्णय किया तथा इस मामले में केन्द्रीय श्रम आयुक्त अजमेर के समक्ष वार्ता रखी गई। परन्तु कामकार (1) सर्व श्री रणजीत, पप्पू श्रीमती आयशुकी, श्रीमती किरण का अनुमोदन नहीं किया गया (2) सर्व श्री मेवाराम, बहादुर राम ने नियोजन के लिये आवेदन नहीं किया अतः उन्हें स्त्रीनिंग के लिये नहीं बुलाया गया (3) सर्व श्री अणदराम, नेमाराम, ओमाराम, छगनलाल, पूनमचन्द व प्रकाश के नाम लाईव रजिस्टर में दर्ज नहीं होने के कारण विचार नहीं किया गया (4) सर्व श्री हरीश, नत्थू के आवेदन कार्यालय को नहीं भेजे गये इसलिये उनपर विचार नहीं किया गया (5) सर्व श्री सत्यनारायण व ओमाराम को अंशकालीन मानते हुए इन्हें बाहरी अभ्यर्थी माना गया, फलस्वरूप मांग को स्वीकार नहीं किया गया व वार्ता विफल हुई। आवेदन में बताया गया है कि प्रार्थी संगठन आर्बीट्रेशन तथा स्वीच्छक एज्युडिकेशन के लिये तैयार था जिस हेतु प्रबन्धन तैयार नहीं हुआ अतः श्रम आयुक्त, अजमेर ने वार्ता विफल प्रतिवेदन प्रेषित किया जिसमें यह रेफरेंस हुआ। प्रार्थना की गई है कि 15 ही आवेदकों को अन्य मये भर्ती किये गये कर्मचारियों की नियुक्ति तिथि 27-3-91 से नियमित किया जाकर उन्हें कैजुअल वेड स्केल में वेतन भत्ते दिये जायें तथा भर्ती में

प्राथमिकता के आधार पर नौकरी पर लेने का आवेदन भी प्रदान किया जावे। आवेदन में यह भी बताया गया है कि श्री हरीश का मामला औद्योगिक न्यायाधिकरण दिल्ली में विचाराधीन है।

विपक्षी ने अपने उत्तर में प्रकट किया है कि मण्डल रेल प्रबन्धक, जोधपुर ने अपने 13-12-90 की भर्ती सूचना में ही स्पष्ट कर दिया गया था कि किन किन आवेदकों के लिये इस स्कीम के अन्तर्गत विचार किया जायेगा, आदेश के अनुसार जिन श्रमिकों के नाम लाईव रजिस्टर में थे उन्हीं श्रमिकों को स्त्रीनिंग में बुलाया गया तथा पार्ट टाईम सफाई कर्मियों को रेलवे में नैमित्तिक श्रमिक नहीं माना जा सकता अतः उन्हें स्त्रीनिंग के लिये नहीं बुलाया गया। विपक्षी ने केवल उन्हीं अभ्यर्थियों के नामों पर विचार किया जिनके नाम रोजगार कार्यालय से भेजे गये। उत्तर में बताया गया है कि 19 व 20 जनवरी, 1991 को स्त्रीनिंग परीक्षा में रिक्तियों के लिये पर्याप्त हफ्तार नैमित्तिक श्रमिक उपलब्ध नहीं होने से सेवारत रेलवे कर्मचारियों के बच्चों तथा रोजगार कार्यालय से प्राप्त अभ्यर्थियों की सूची में से स्त्रीनिंग कर शेष रिक्त पद भरे गये दिनांक 30-3-91 का कोई भी पत्र प्राप्त नहीं हुआ तथा प्रार्थी यूनियन का कोई अन्य आवेदन-पत्र भी प्राप्त नहीं हुआ। उत्तर में प्रकट किया गया है कि तथ्यों को तोड़-मरोड़कर पेश किया गया है तथा वास्तव में पार्टटाईम सफाई कर्मचारियों में भर्ती की प्राथमिकता देने की मांग की गई है जिनके नाम लाईव रजिस्टर में नहीं थे तथा अंशकालीन व नैमित्तिक श्रमिकों की श्रेणी में भी नहीं थे तथा कुछ मामलों में प्रारम्भिक नियुक्ति की सक्षम अधिकारी की अनुमति भी नहीं थी व आवेदन में ही बताया गया था कि उन्हें स्त्रीनिंग में इस कारण से नहीं बुलाया गया था। अतः प्रार्थीगण ही जानते थे कि अभ्यर्थियों को नियमानुसार बुलाना सम्भव नहीं था। अतः वाद स्वतः ही समाप्त हो जाता है। उत्तर में यह भी प्रकट किया गया है कि रोजगार कार्यालय से प्राप्त सूची में पार्टटाईम तथा नैमित्तिक श्रमिकों को प्राथमिकता दी गई थी तथा प्रार्थीगण स्वयं जानते थे कि उन्हें नियमानुसार बुलाना सम्भव नहीं था अतः यह वाद स्वतः ही समाप्त हो जाता है। उत्तर में यह भी बताया गया है कि श्री हरीश व नत्थू के मामले में दिल्ली औद्योगिक न्यायाधिकरण से कोई विवाद नहीं के आदेश पारित किये गये हैं—व्यय सहित आवेदन अस्वीकार किये जाने की प्रार्थना की गई।

प्रार्थी की ओर से साध्य में श्री नरपतलाल का शपथ-पत्र प्रस्तुत किया गया जिसने स्वयं को अखिल भारतीय रेल सफाई कर्मचारी संघ शाखा, जोधपुर का सचिव बताते हुए आवेदन में वर्णितानुसार बताया है। विपक्षी की ओर से मण्डल कार्मिक अधिकारी श्री विलीप व्यास का शपथ-पत्र प्रस्तुत किया गया है। प्रार्थी का शपथ गृहता प्रतिपरीक्षण हेतु उपस्थित नहीं हुआ यद्यपि

इसके लिये काफी अवसर दिये गये। विपक्षी की ओर से शपथगृहता प्रतिपरीक्षण हेतु प्रस्तुत नहीं किया गया अतः शपथ-पत्रों को साध्य में नहीं माना जा सकता।

उभय-पक्ष के प्रतिनिधिगण के तर्क सुने गये, पत्रावली अवलोकन किया गया।

प्रतिनिधि विपक्षी ने प्रार्थी की ओर से प्रस्तुत किये गये शपथ-पत्र के बारे में तर्क दिया है कि यह शपथ-पत्र विधिनुसार नहीं है क्योंकि इसमें अन्त में विधिनुसार सत्यापन नहीं है तथा प्रारम्भ भी शपथ-पत्र के अनुसार नहीं है। न्यायालय की राय में इस प्रश्न पर विचार करने की आवश्यकता ही नहीं रह जाती क्योंकि शपथ-पत्र प्रतिपरीक्षण ही नहीं हुआ है।

प्रतिनिधि प्रार्थी ने तर्क दिया है कि विपक्षी ने संबंधित प्रार्थीगण का विपक्षी के यहां बताई गई अवधि में कार्यरत रहने से इन्कार नहीं किया है : अतः इस अवधि में प्रार्थीगण का विपक्षी के यहां कार्य किया जाना माना जाना चाहिये। प्रतिनिधि प्रार्थी ने यह भी तर्क दिया है कि कुछ प्रार्थी दिसम्बर 1990 में भी कार्यरत थे जब कि यह योजना बनाई गई थी तथा जो कार्यरत नहीं थे उनकी सेवा समाप्त छटनी थी अतः उनको लगातार सेवा में माना जाना चाहिये। प्रतिनिधि प्रार्थी का मुख्य तर्क यह है कि जो प्रार्थीगण कार्य पर नहीं थे उनकी सेवायें समाप्त करना ही विधिनुसार नहीं था अतः उनको नियमित किया जाना चाहिये तथा अंशकालीन कर्मचारी भी नियमित होने के पात्र हैं। प्रार्थीगण की ओर से यह भी बताया गया कि विपक्षी द्वारा वरिष्ठता सूची नहीं रखी जाती तथा जब प्रार्थीगण लम्बे समय तक कार्यरत रहे हैं तो उन्हें आकस्मिक दैनिक वेतन भोगी कर्मचारी की श्रेणी में नहीं रखा जा सकता तथा प्रार्थीगण के द्वारा की गई सेवा की अवधि को देखते हुए तथा सामाजिक न्याय के सिद्धांतों को देखते हुए भी उन्हें स्थायी व नियमित किया जाना चाहिये।

प्रतिनिधि विपक्षी ने तर्क दिया है कि योजना व विज्ञप्ति के अनुसार केवल उन्हीं श्रमिकों के लिये विचार किया जा सकता था जो कि "लाइव रजिस्टर" पर थे अर्थात् जो लगातार कार्य पर थे। विपक्षी के अनुसार कार्यरत कर्मचारी भी ऐसे होने चाहिये जिन्हें सक्षम अधिकारी द्वारा नियम व प्रक्रिया अनुसार स्वीकृति प्राप्त कर नियुक्त किया गया हो तथा अंशकालीन कर्मचारी विपक्षी के यहां काम करने वाले कर्मचारियों की श्रेणी में नहीं माने जा सकते। दिनांक 13-12-1990 का पत्र महत्वपूर्ण है जिसकी प्रतिलिपि दोनों पक्षों द्वारा प्रस्तुत की गई है जिसका यथावत् उल्लेख कर देना उचित है। जो इस प्रकार है :—

NOTICE

In order to fill in the existing vacancies of Safai-walas grade 750-940/PS in Sanitary, Medical and Traffic departments (Jodhpur, Uuni, Ajit, Pali, Salawas, Bhagat-ki-kothi-Chilo, Phalodi, Medran-now KSW Marwar.

Balia, Dundara, Jalore, Nokha, Didwana, Desh-noke), applications from the casual labours who are borne on the live register of any department and fulfill the following conditions and are desirous to be considered for screening and appointment as Safaiwala grade Rs. 750-940 PS are invited in the performa enclosed :—

1. Those casual labours who were engaged prior to 1-8-1978 and still borne on the live register of any department.
2. Those casual labours who were engaged in between 2-8-1978 to 3-5-1981 with the personal approval of DRM and also borne in the live register of any department.
3. Those casual labours who were engaged on or after 31-1-1981 with the personal approval of General Manager and are borne on the live register of any department.
4. Applications may be sent by each Senior Subordinates/Departments in one batch so as to reach this office latest by 27-12-1990 and applications receive after 27-12-1990 will not be entertained.
5. Wide publicity of this notice shall be given by each Senior subordinates.
6. It may be explicitly made clear to them (casual labours) that in the event of their being selected and placed on the panel of Safaiwala after screening and having failed in the pre-requisite medical examination, no alternative appointment would however be given.
7. The screening would be conducted on the basis of amount of service (i.e. number of days) put in as casual labours by each of the eligible candidates in any department.

Note :—The applications from the ward and railway employees are also invited but they will be considered only when casual labourer call for screening are not available. The applications for casual labours are to be forwarded by concerned Assistant Officer on prescribed proforma 'B'.

Applications should be sent in cover addressed to Assistant Personal Officer, Northern Railway, DRM's Office, Jodhpur.

Dated : 13-12-1990.

Sd./-

For Divl. Rly. Manager,
N. Rly., Jodhpur."

प्रार्थीगण की ओर से मुख्य तर्क उनकी सेवा समाप्ति छंटनी होना तथा खरिष्ठता सूची नहीं रखे जाने के बारे में है जिसके आधार पर यह बताया गया है कि उन्हें नियमित किया जावे। यदि विवाद में अंकित कार्य अवधि को यथावत मान लिया जावे तब भी कोई भी श्रमिक ऐसा नहीं है जो कि वर्ष 1990 की किसी भी तिथि पर कार्यरत हो। 14 प्रार्थीगण की सूची में से केवल श्रीमती आयचुकी व नेमाराम ऐसे हैं जिनका अन्तिम कार्य दिवस सितम्बर 1989 तक रहा। न्यायालय को जो प्रश्न विचारार्थ भेजा गया है उसी प्रश्न पर अपना निर्णय सीमित रखना है तथा उसी औद्योगिक विवाद पर निर्णय दिया जाना है। जो कार्य अवधि बताई गई है उसके अनुसार कोई भी प्रार्थी दिसम्बर 1990 में या वर्ष 1990 में किसी भी दिन कार्यरत नहीं था। ऐसी परिस्थिति में प्रतिनिधि प्रार्थी का यह तर्क मानने योग्य नहीं रह जाता कि परिपत्र के अनुसार प्रार्थीगण को नियोजन का लाभ दिया जावे इसी कारण से खरिष्ठता सम्बन्धी प्रश्न एवं तर्क भी सारहीन है। जिस प्रश्न पर पर विचार करना है वह प्रश्न 13-12-90 के परिपत्र के अनुसार नियमन व नियोजन तक सीमित है अर्थात् केवल यह देखा जाना है कि क्या प्रार्थीगण को 13-12-90 के परिपत्र का लाभ मिलना चाहिये। निश्चित तौर से विवाद के एनगिलियरी प्रश्नों पर विचार किया जा सकता है परन्तु 13-12-90 के पत्र से ही यह अत्यन्त स्पष्ट है कि सम्बन्धित कर्मचारी का नाम लाईव रजिस्टर में होना चाहिये।

13-12-1990 के उपरोक्त आदेश में ही स्पष्ट है कि आवेदन केवल उन्हीं श्रमिकों के आमन्त्रित किये गये हैं जिनके नाम लाईव रजिस्टर में हो तथा जो कि उल्लेखित शर्तों भी पूरी करते हों। उल्लेखित शर्तों में से अहंता के बारे में प्रथम तीन शर्तें हैं जिन तीनों के साथ में भी यह अंकित है कि नाम लाईव रजिस्टर में अंकित होना चाहिये। लाईव रजिस्टर में अंकित होने का अर्थ यह है कि उनकी सेवाएं परिपत्र के दिन भी हों। परिपत्र दिनांक 13-12-90 का है तथा उपरोक्तानुसार प्रश्न में ही कार्य अवधि लिखी हुई है जिसके अनुसार पूरे वर्ष 1990 में किसी भी दिन कोई भी प्रार्थी कार्यरत नहीं था अर्थात् परिपत्र के दिन या उसके पहले के कई महीनों में भी कभी भी प्रार्थीगण का नाम लाईव रजिस्टर में नहीं रहा। कार्य अवधि या कार्य का अन्तिम दिवस गलत बताया गया हो, इसकी कोई साक्ष्य या तथ्य प्रस्तुत नहीं किया गया है। परिणाम-स्वरूप दिनांक 13-12-1990 के परिपत्र के अन्तर्गत कोई भी प्रार्थी किसी तरह की राहत प्राप्त करने का अधिकारी नहीं प्रतीत होता। यह स्पष्ट कर दिया जाना चाहिये कि इस अधिनिर्णय का प्रार्थीगण के अन्य किसी हितों या अधिकारों पर कोई प्रभाव नहीं होगा। अतः यह विवाद अधिनिर्णय किये जाने योग्य है।

अधिनिर्णय

श्रम मंत्रालय भारत सरकार नई दिल्ली की विज्ञप्ति सं. एल-41011/43/91 दिनांक 6-1-1992 के अन्तर्गत प्रेषित विवाद इस तरह अधिनिर्णित किया जाता है कि उत्तर रेलवे जोधपुर प्रबन्धन द्वारा अपने पत्र सं. 220ई/भर्ती/सफाई वाला/91 दिनांक 13-12-90 के अनुसार सफाई वालों की भर्ती के समय छंटनी किये हुए सफाई वालों को पुनः नियोजन हेतु अवसर नहीं देना तथा अंशकालीन सफाई वाले सर्व श्री सत्यनारायण पिपाड रेलवे स्टेशन तथा ओभाराम महामंदिर रेलवे स्टेशन पर पदस्थ को नियमित नियोजन का अवसर नहीं देना उचित एवं वैध है। प्रार्थीगण इस विज्ञप्ति के अन्तर्गत कोई राहत अप्रार्थी नियोजक से प्राप्त करने के अधिकारी नहीं हैं। इस अधिनिर्णय को प्रकाशन हेतु श्रम मंत्रालय भारत सरकार नई दिल्ली को प्रेषित किया जावे।

यह अधिनिर्णय आज दिनांक 4-6-1998 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

चांदमस तोतला, न्यायाधीश

नई दिल्ली, 27 जुलाई, 1998

का.आ. 1623.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सर्वत्र रेलवे त्रिवेन्द्रम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर-कोर्ट अर्नाकुलम के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 24-7-98 को प्राप्त हुआ था।

[संख्या एल-41012/103/93-आई.आर. (बी.-I)]

पी.जे. माईकल, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1623.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Rly., Trivandrum and their workman which was received by the Central Government on 24-7-98.

[No. L-41012/103/93-IR(B.I)]
P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Monday, the 6th day of April, 1998)

PRESENT:

Shri Varghese T. Abraham, B.A., LL.M.,
Presiding Officer.

Industrial Dispute No. 5 of 1995(C)

BETWEEN

The Divisional Personnel Officer, Southern Railway, Trivandrum.

2. The Executive Engineer (Construction) Southern Railway, Trivandrum.

AND

The General Secretary, Ernakulam District Engineering & Industrial Workers Union, Prakash Bhavan, Railway Station Road, Tripunithura, Ernakulam.

Representations:

Smt. Sumathi Dandapani,
Standing Counsel for
Southern Railway,
Ernakulam . . . For Managements

M/s. Ajit Prakash C.S.
and P.C. Sobastian,
Advocates, Imperial Annexe
Building, Flower Junction,
T.D. Road, Ernakulam . . . For Union

AWARD

The Government of India as per Order No. L-41012/103/93-IR/(B-I) dated 21-2-95 referred the following industrial dispute for adjudication:

"Whether the action of the Divisional Personnel Officer, Southern Railway, Trivandrum and the Executive Engineer (Construction) Southern Railway, Trivandrum in terminating the services of Shri N. V. Ravindran w.e.f. 18-1-77 and not engaging him again is justified? If not, what relief is the workman entitled to?"

2. A short recital of facts : The workman was working under the railway as casual labourer from 6-1-1975 to 18-1-1977 continuously under the permanent Way Inspector/Engineering Department, Ernakulam and he was denied employment w.e.f. 18-1-1977 without assigning any reason and in violation of section 25F and H of the I.D. Act. The conciliation ended in failure. His juniors are appointed. Thus there is violation of section 25G of the I.D. Act. He was initially engaged on 6-1-75. Therefore as per the establishment manual he is entitled to get temporary status on 25-7-1975. A casual labourer who attained temporary status is entitled to get the rights and privileges admissible to temporary status as laid down in chapter 23 of the Indian Railway Establishment Manual. As the termination is in violation of section 25F of the I.D. Act, the opposite party is bound to reinstate him.

3. The defence:—The claim petition is not maintainable and it is filed without any bonafides. The workman was not working in the service of the railway as alleged by him. So there is no denial of employment. The name of the workman does not figure in the Live Register or in the supplementary list maintained by the management. He did not apply for registration for re-engagement on or before 31-3-87. So he is not entitled to get any engagement. No provision in the I.D. Act is violated. The re-engagement

of casual labourers is done from the Live Register maintained for the purpose. According to the direction of the Hon'ble Supreme Court in conformity with the provisions of the I.D. Act, these persons retrenched prior to 1-1-1981 were allowed to register their name in the supplementary list of live register. But the petitioner did not do so. The casual labourers retrenched on 1-1-1981 have only been re-engaged based on the seniority position in the Live Register prepared in obedience to the judgment of the Supreme Court reported in 1985 (2) SCC 648. Contrary allegations are not true. Chapter 23 of the Indian Railway Establishment Manual has no application to the petitioners case. He is not entitled to get reinstatement.

4. A rejoinder is filed by the workman controverting the defence contentions and reiterating the averments in the claim.

5. Evidence consists of the testimony of WW1, MW1 and Ws 1 to 3 and M1 to M3.

6. Heard both sides.

7. The Points which emerge for consideration are:

(1) Whether there is any illegal termination of the workman ?

(2) To what relief, if, any, is the workman entitled to get?

8. Point No. 1 & 2 :—The fact that the workman worked under the management till 18-1-1977 is not seriously disputed by the management. There is no case for the railways that the workman has not worked for 240 days in a year. There is no case for the management that termination of service was in compliance with section 25F of the I.D. Act.

9. WW1 is the workman. According to him he joined on 6-1-75 as casual labour and he worked till 18-1-77. His service was terminated without any notice, notice pay or compensation on 18-1-77. He produced Ext. W1, the service card to show that he has been working from 6-1-75 to 18-1-77. It is stated by the management through the Permanent Way Inspector that the matter is settled on 18-1-1977. He submitted applications before the Opposite Party in 1977 several times. Ext. W2 series 3 in numbers are the postal receipts and the copy of the applications. According to him as per the provisions of the Railway Establishment Manual he is entitled to get temporary status if he worked for continuous six months. His case is that he worked for 342 days in a year. Ext. W3 is the letter submitted by Opposite Party before the conciliation officer on 21-5-93. It is submitted in Ext. W3 that he worked in Trivandrum, Ernakulam construction project from 6-1-75 to 18-1-77 under the Permanent Way Inspector. It is also stated that the service also stated that the service was terminated on 18-1-77 on completion of the work. As per the decision of Supreme Court in Inter Pal Yadav and others Vs. Union of India and others (1985 2 S.C.C. 648). The termination of service of the casual labourers on railway projects in continuous service for more than a year on winding up of the projects is not justified. So the stand taken by the Opposite Party that termination was due to comple-

tion of the project is not tenable. As per the decision of Supreme Court cited above the railway board vide its letter dated 11-9-86 has instructed to grant temporary status to project casual labourers on completion of 360 days continuous service and to implement in a phased manner from 1-1-81. It was also directed to prepare a seniority list of casual workers. The case set up in Ext. W3 is that the applicant was not in service at any time after 1-1-81 and that he has no right to be included that list. It is also stated that the supplementary seniority list of casual labourer who had worked prior to 1-1-81 was prepared and that supplementary list will be considered for the re-engagement only after exhausting the seniority list prepared after 1-4-85. As per W3 there are more than 1000 persons still in the seniority list. So it is reiterated in Ext. W3 that the Railway Administration has not violated any of the direction of the Supreme Court of the provisions of the I.D. Act. The allegation that the workman was not in service on 1-1-81 cannot be sustained since his service was terminated on 18-1-77. In cross examination WW1 says that he does not remember whether the Opposite Party maintained the Live Register. He submitted application on 26-3-87. The copy of the application is produced. It is also brought out that after termination of service, he had worked various contractors.

10. MW1 is the Senior Personnel Inspector in the Divisional Personnel Office. It is deposed by him that a Live Register was prepared as per the direction of the Supreme Court. As per Ext. M1 a notification was issued that those whose services were terminated for want of work to register their names before the D.P.O. At about 1800 persons were registered in compliance with Ext. M1. Ext. M2 & M2(a) are the supplementary lists. Ext. M3 is the list prepared in alphabetical order. None was engaged so far. He says that preference was given to those who were retrenched after 1-1-81. The name of WW1 is not seen in the list. He admits that those who have not service for 3 years as on 1-1-82 and 2 years as on 1-1-83 temporarily status has to be given if they worked for 360 days. It can be seen that as per Ext. M1, retrenched employees were called upon to register the name for re-engagement. About 1800 persons registered their names. Supplementary live lists were also prepared. In all these lists, the worker has no case that his name is included. He started to submit representations as per W2 series from 1-3-73, 23-3-73 and another undated letter. It is a case where there is complete laches on the part of the workman in complying with Ext. M1 so as to register his name in the live register. So the management cannot be blamed. At the same time, I am of the opinion that he has worked under the management till 18-1-77. He was a casual labourer. The termination is not in accordance with section 25F of the I.D. Act. So the termination is illegal. So he is directed to be included in the Live Register maintained by the management. He has to be absorbed in service as and when vacancies arises. No back wages points so found.

In the result, reference is answered holding that termination of service of the workman is illegal and he is directed to be included in the Live Register prepared in accordance with Ext. M-1 and re-engage him without any backwages but with continuity of service as and when vacancy arises.

Ernakulam,

Dated : 6-4-1998.

VARGHESE T. ABRAHAM, Presiding Officer.

APPENDIX

Witness examined on the side of Management :

MW-1. Shri M. K. Suresan.

Witness examined on the side of Union :

WW-1. Shri Raveendran.

Exhibits marked on the side of Management :

Ext. M-1. Photo copy of Notification dated 16-3-1987.

Ext. M-2. Register of casual labourers registered their names in the supplemental live register.

Ext. M-2(a) Supplemental Live register.

Ext. M-3. Photo copy of list prepared in alphabetical order dated 27-1-1997.

Exhibits marked on the side of Union :

Ext. W-1. Casual Labour Service Card of Shri N. V. Raveendran.

Ext. W-2. series : Copy of three applications to the management by Raveendran.

Ext. W-3. Photo copy of letter to Assistant Labour Commissioner, by the Executive Engineer (Construction) Trivandrum dated 21-5-1993.

Sd./-

Presiding Officer.

नई दिल्ली, 29 जुलाई, 1998

का.आ. 1624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, अजमेर के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में, निरिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-98 को प्राप्त हुआ था।

[संख्या एल-12012/166/96-आई.आर. (बी)/I]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1624.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Ajmer as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India. Ajmer and their workman which was received by the Central Government on the 29-7-98.

[No. L-12012/166/96-IR(B)/I]

P. J. MICHAEL, Desk Officer.

अनुबंध

न्यायालय भ्रम न्यायाधीश एवं औद्योगिक न्यायाधिकरण, अजमेर
(राज.)

सी. आर्. टी. आर. 17/97

रेफरेंस नं. मध्य-एल-12012/166/96-आई.आर. (बी)
दि 20-8-97

श्री लक्ष्मण सिंह पुत्र श्री हजारी सिंह लसाडिया
पोस्ट कूकड़ा तहसील भीम जिला राजसमंद —प्रार्थी
बनाम

प्रबंधक, स्टेट बैंक आफ इंडिया, शाखा बयावर जिला अजमेर
—अप्रार्थी

समक्ष

श्री हरिसिंह यू. अस्नानी, आर. एच. जे. एस.

पीठासीन अधिकारी

प्रार्थी की ओर से श्री तुलवीर सिंह।

अप्रार्थी की ओर से श्री गणेशी लाल अग्रवाल।

दिनांक 28-2-1998

अर्वाई

1. केन्द्र सरकार द्वारा प्रेषित विवाद इस प्रकार है :—

“क्या शाखा प्रबंधक, स्टेट बैंक आफ इंडिया बयावर के द्वारा श्री लक्ष्मण सिंह चौहान को दि. 21-9-93 से सेवा से पृथक् करना उचित एवं वैध है? यदि नहीं तो कर्मकार किस राहत का अधिकारी है?”

2. प्रार्थी लक्ष्मणसिंह ने स्टेट बैंक आफ इंडिया शाखा बयावर (जिसे आगे से संदेश में नियोजक कहेंगे) के विरुद्ध यह क्लेम प्रस्तुत किया है जिसके संबंध में तथ्य निम्न प्रकार है :—

(1) यह कि प्रार्थी को नियोजक ने दि. 16-3-79 को मैसेंजर के पद पर दैनिक वेतन पर बयावर कार्यालय में नियुक्त किया था और उसे 16-3-79 से 24-7-79 तक दस रुपये प्रतिदिन की दर से भुगतान किया गया तत्पश्चात् 5-4-91 तक 13½ रु. दर से उसे भुगतान किया गया उसके बाद 15/- 20/- और 25/- रु. की दर से उसे समय-समय पर भुगतान किया जाता था।

(2) यह कि प्रार्थी को दि. “21-9-94” को मौखिक आदेश से बिना किसी कारण से हटा दिया गया और नोटिस उसके एवज में वेतन या मुआवजा नहीं दिया गया जबकि प्रार्थी ने काफी लंबी अवधि तक नियोजक के अधीन निरन्तर रूप से कार्य किया और प्रार्थी से कनिष्ठ लोगों को नियुक्ति पदान कर दी गयी।

3. नियोजक द्वारा प्रस्तुत जवाब में मुख्य रूप से यह कहा गया है कि प्रार्थी को मैसेंजर के पद पर नियुक्त नहीं किया गया था और न उसने इस पद पर कभी कार्य किया और 2086 GI/98—13.

उसने मिश्रापुर्ण कथन अभिलिखित किये हैं और प्रार्थी का क्लेम पोषणीय नहीं है।

4. प्रार्थी लक्ष्मण सिंह ने माध्य में स्वयं को पेश किया है और नियोजक की ओर से माध्य में श्री एम जी लख्वाणा एवं राजमल जैन को पेश किया गया है। मैने पत्रावली का साधनी से अवलोकन किया तथा उभयपक्ष के तर्क सुने। प्रार्थी के विद्वान अधिवक्ता ने मेरे समक्ष निम्न तर्क प्रस्तुत किये :—

(1) यह कि प्रार्थी नियोजक बैंक में मैसेंजर के पद पर अस्थायी कर्मचारी के रूप में नियुक्त किया गया था।

(2) यह कि यदि प्रार्थी नियोजक का कर्मचारी न होता तो उसे बैंक के प्रलेख हेंडल करने को नहीं दिये जाते और प्रार्थी नियोजक का कर्मचारी था यह प्रदर्श एम डब्ल्यू-9, 11, 12 व 13 से सिद्ध हो जाता है।

(3) यह कि प्रार्थी से मंगल स्टेशनर्स से बैंक से सामान मंगवाया वह इस बात का प्रमाण है कि प्रार्थी बैंक का ही कर्मचारी था। प्रार्थी ने 240 दिन से अधिक कार्य कर लिया फिर औद्योगिक विवाद अधिनियम की धारा 25 एफ की अवहेलना करते हुए उसे सेवा से अवैध रूप से हटा दिया गया।

5. प्रार्थी ने अपने तर्कों के समर्थन में मेरा ध्यान आर एल आर 1995 (2) पेज 730 वीरेंद्र कुमार बनाम राजस्थान राज्य की ओर आकर्षित किया।

6. इसके प्रतिकार में नियोजक के विद्वान अधिवक्ता ने मेरे समक्ष निम्न तर्क प्रस्तुत किया :—

(1) यह कि प्रार्थी का यह कथन है कि उसे नियोजक ने मैसेंजर के पद पर नियुक्त किया था किन्तु प्रार्थी ने न तो कोई नियुक्ति पत्र पेश किया है और न सेवा से हटाने के आदेश की कोई प्रति।

(2) यह कि प्रार्थी का यह कथन है वह करीब पांच वर्ष से नियमित रूप से बैंक में मैसेंजर के पद पर कार्य करता रहा तब भी उसने कुछ अन्य प्रलेखों की प्रतियां तो पेश की हैं किन्तु वह नियोजक का कर्मचारी था और वहां से उसे वेतन मिलता था इस तथ्य के समर्थन में कोई प्रलेख या प्रमाण पेश नहीं किया है।

(3) यह कि नियोजक बैंक यदि किसी को नियुक्त करती है तब मौखिक नियुक्ति नहीं करती और प्रार्थी ने जो दस्तावेज पेश किये हैं उनसे ही यह स्थिति सिद्ध हो जाती है कि प्रार्थी नियोजक का कर्मकार नहीं था किन्तु बैंक की आवश्यकता के अनुसार वह विभिन्न समयों पर मजदूरी कर अपना बिल पेश कर भुगतान प्राप्त करता था और वह दैनिक वेतन भोगी कर्मकार भी नहीं था और प्रार्थी को मजदूरी पेटे नियोजक बैंक ने जो भुगतान किया वह पेटे-चार्ज के मद में भुगतान किया और जब प्रार्थी की मज

की राशि ज्यादा एकत्रित हो गयी तो उसे बैंक से भुगतान कर दिया गया और प्रार्थी ने एक निजी मामले में मुंसिफ न्यायालय में गवाह के रूप में स्वयं को पेश कर प्रमाण पत्र पेश किया है जिसमें उसने स्वयं को स्टेट बैंक आफ इंडिया का चतुर्थ श्रेणी कर्मचारी बताया है और वह न्यायालय के समक्ष मिथ्या कथन किया।

- (4) यह कि प्रार्थी ने नियोजक बैंक से केवल क्लेरिकल स्टाफ से साठ-साठ कर कुल प्रलेख प्राप्त कर लिये जो किसी अधिकृत अधिकारी द्वारा जारी नहीं किये गये और प्रार्थी उसका लाभ नहीं उठा सकता।

7. नियोजक ने अपने तर्कों के समर्थन में मैरा न्याय न्यायिक दृष्टांतों की ओर आकर्षित किया :—

- (1) 1997 लैब आई सी सुप्रीम कोर्ट 2075 हिमांशु कुमार विद्यार्थी/स्टेट आफ बिहार।
- (2) एस एल आर 1997 (2) सुप्रीम कोर्ट पेज 224 स्टेट आफ यू पी/अजय कुमार
- (4) 1995 लैब आई. सी. एन ओ सी 250 इलाहाबाद पेज 7 सुधीर चन्द्र तिवारी बनाम यू० पी० स्टेट इलेक्ट्रीसिटी बोर्ड।
- (4) 1995 लैब आई सी एन ओ सी 319 कलकत्ता पेज 99 अशोक कुमार/वैस्ट बंगाल राज्य
- (5) 1995 लैब आई सी एन ओ सी 137 मद्रास पेज 46 तमिलनाडू हाईवेज एण्ड करल वर्क्स/ चीफ इंजीनियर हाईवेज
- (6) 1996 लैब आई सी कलकत्ता पेज 1144 पतिक बलघोष डायरेक्टर आफ फिसरीज
- (7) 1996 लैब आई सी गुजरात 885 बीटी मुलिया/ गुजरात राज्य
- (8) 1996 लैब आई सी दिल्ली 2679 अमिता गुलाटी/ यूनियन ऑफ इंडिया

- (9) ए आई आर 1996 सुप्रीम कोर्ट 1241 एम्प्लायर्स मैनेजमेंट आफ आर.बी.आई.दियर वर्कमन

8. उक्त न्यायिक दृष्टांतों में दी गयी व्यवस्थाओं पर गौर करने से पूर्व हम तथ्यों पर आधारित निष्कर्ष पर पहुँचने के लिए साक्ष्य एवं पत्रावली का अवलोकन विवेचन एवं विश्लेषण करेंगे।

9. प्रार्थी लक्ष्मणसिंह ने बयान के रूप में प्रस्तुत अपने शपथ पत्र में सारभूत रूप से क्लेम में उल्लिखित तथ्यों को दोहराया है। प्रतिपरोक्षा में प्रार्थी ने यह प्रकट किया है कि उसके पास कोई नियुक्ति पत्र नहीं है बैंक के हाजिरी रजिस्टर में उसके दस्तवत नहीं होते थे किन्तु उसने एक पिओन बुक टाइप का एक छोटा सा रजिस्टर था क्लेरिकल और फ्रैण डिपार्टमेंट के दो हाजिरी रजिस्टर थे और अस्थाई के लिए अलग था किन्तु उसकी इनमें से किसी में हाजिरी नहीं होती थी। प्रार्थी के अनुसार उसकी नियुक्ति

श्री एम जी. लाखोटिया ने की थी। उसके अनुसार उसने जो प्रार्थना पत्र दिया था उसकी रसीद उसके पास नहीं है। प्रार्थी के अनुसार उसने लोकल इम्प्लीमेंटेशन कमेटी (एल आई सी) कैंटीन में कैंटीन व्याय का काम नहीं किया किन्तु एल.आई.सी. उसके नाम का बैंक बनाकर बलफेयर अकाउंट में जमा करा देती थी उसके अनुसार उसने प्रदर्शन डब्ल्यू-1 बैंक का भुगतान एल.आई.सी. से प्राप्त किया था उसके अनुसार उसने यह राशि बलफेयर अकाउंट में जमा करा दी किन्तु उसकी रसीद उसके पास नहीं है। इस गवाह ने कहा है कि उसे वाउचर बनाकर वेतन का भुगतान होता था और वेतन का बिल अर्थात् वाउचर वह स्वयं बनाता था और वह उसकी मजदूरी बाबत था और उसे उसकी मजदूरी बाबत बैंक से भुगतान मिलता था। यह गवाह प्रदर्शन एम-1 से 8 के द्वारा भुगतान की स्थिति को स्वीकार करता है। यह गवाह कहता है कि प्रदर्शन डब्ल्यू-9 अकाउंट ओपनिंग फार्म पर उसने हस्ताक्षर किये जिसमें उसके गांव का पता लिखा हुआ है किन्तु उसका कथन है कि वह पता गलत लिखा हुआ है और बिना उससे पूछे ही लिख लिया था। यह गवाह स्वीकार करता है कि गांव में जमीन के झगड़े बाबत वह मुंसिफ न्यायालय में बयान देने गया था और न्यायालय में उसने अपने आपको चतुर्थ श्रेणी कर्मचारी बताकर प्रदर्शन डब्ल्यू-10 से प्रमाण पत्र प्राप्त किया था और इस बयान या न्यायालय में उपस्थिति का बैंक से तालुक नहीं था किन्तु फिर भी वह कहता है कि वह बैंक से पूछकर बयान देने गया था किन्तु उसने लिखित में अनुमति नहीं ली न छट्टी ली थी और यह प्रमाण पत्र उसी के पास रहा। यह गवाह स्वीकार करता है कि प्रदर्शन डब्ल्यू-11 से 13 पर उसी हेड क्लर्क के हस्ताक्षर हैं जिसके पास बुक प्रदर्शन डब्ल्यू-9 पर है। प्रदर्शन एम-7 से एम-10 तक के प्रलेखों पर एव प्रदर्शन डब्ल्यू-14 पर वह अपने हस्ताक्षर होना स्वीकार करता है और कहता है कि यह भुगतान प्राप्ति संबंधी बिल है। प्रार्थी के अनुसार वह जब भी बैंक में स्टेशनरी देने जाता था तो किसी की अनुमति बिना उनकी फोटो प्रति अपने पास रख लेता था। यह गवाह प्रदर्शन डब्ल्यू-15 से 30 तक के बिल स्वयं के द्वारा बैंक को पेश करना स्वीकारता है।

10. नियोजक के गवाह श्री एम. जी. लाखोटिया ने अपनी साक्ष्य में कहा है कि वे 1988 से 1992 तक व्यावर शाखा में प्रबन्धक के रूप में कार्यरत थे और उन्होंने प्रार्थी को कभी भी मैसेन्जर के पद पर नियुक्ति नहीं दी और न उस पद का काम कराया और प्रार्थी ने मैसेन्जर के रूप में काम भी नहीं किया और न मैनेजर नियुक्ति के लिए अधिकृत भी नहीं है और चूंकि प्रार्थी मैसेन्जर था ही नहीं अतः हाजिरी रजिस्टर में प्रविष्टि का प्रश्न ही उत्पन्न नहीं होता। प्रार्थी जब कभी अपनी की गाड़ी या अन्य सामान बैंक की सप्लाई करता था तो बैंक द्वारा उसे भुगतान किया जाता था और प्रार्थी ने स्टाफ बैलफेयर कमेटी द्वारा संचालित कैंटीन में कैंटीन व्याय का काम भी किया था किन्तु वह बैंक का कर्मचारी नहीं था और उसने वेतनमान का बिल कभी भी बैंक शाखा में नहीं बना और भुगतान हुआ। इस गवाह के अनुसार उनके कार्यकाल में किसी को भी अस्थाई कर्मचारी नहीं लगाया गया। इस गवाह के अनुसार प्रार्थी को प्रदर्शन डब्ल्यू-16; 21, 22, 23 और एम-1, 8, 9, 10 बिलों का भुगतान बैंक से हुआ।

11. नियोजक के दूसरे गवाह श्री महेन्द्र कुमार जैन ने अपने बयान में यह कहा है कि माह अगस्त 94 से दिसम्बर 94 तक वह शाखा प्रबन्धक के पद पर कार्यरत थे और प्रार्थी को कभी मौखिक आदेश से नहीं हटाया गया और वह शाखा में कार्यरत ही नहीं था। इस गवाह ने इस मुद्दा का खेन किया है कि प्रार्थी उनके समय में कभी मैसेन्जर रहा हो या उन्होंने उसे हटाया हो।

12. अब हम कुछ महत्वपूर्ण प्रलेखों पर दृष्टि डालेंगे। प्रदर्श डब्ल्यू-14 फुटकर खर्च रजिस्टर की छाया प्रति है जिस पर प्रार्थी के हस्ताक्षर हैं और इसमें विभिन्न छोटे मदों की अदायगी का विवरण दिया गया है। प्रदर्श डब्ल्यू-15 प्रार्थी द्वारा निष्पादित दि. 24-8-90 का वह प्रलेख है जिसमें प्रार्थी ने बैंक से किताबें जमाने और लेजरो में नयी पुरानी पीट्स ठीक करने की मजदूरी तैरह रुपये प्राप्त करना बताया है इसी प्रकार प्रदर्श डब्ल्यू-16 से 20 के जरिए प्रार्थी ने नियोजक बैंक से मजदूरी के रुपये प्राप्त किये। प्रदर्श डब्ल्यू-11 इस बात को दर्शाता है कि प्रार्थी ने चाय, नमकीन, बिस्कुट आदि सप्लाई करने के 140/- रु. प्राप्त किये और इसी आशय के प्रलेख प्रदर्श डब्ल्यू-22 और 23 हैं। इसके अतिरिक्त प्रदर्श डब्ल्यू-24 से 32 आदि इस बात को प्रकट करते हैं कि प्रार्थी ने विभिन्न समयों पर बैंक से मजदूरी के रूप में 20-25 रुपये जैसी छोटी राशियां प्राप्त की। प्रदर्श एम-1 से 10 यह दर्शाते हैं कि प्रार्थी ने बैंक को पानी की गहरी सप्लाई की जिस संबंधी भुगतान प्राप्त किये।

13. उक्त प्रलेख और भुगतान की स्थिति से यह स्पष्ट होता है कि प्रार्थी ने विभिन्न समयों पर विभिन्न प्रकार के कार्य, मजदूरी या पानी, चाय, नमकीन आदि नियोजक बैंक को सप्लाई कर फुटकर भुगतान प्राप्त किये। यदि प्रार्थी वास्तव में नियोजक बैंक में नियमित रूप से मैसेन्जर के पद पर नियुक्त होता या अस्थाई तौर पर भी कार्यरत होता तो इस प्रकार विभिन्न समयों पर अनेक प्रलेखों द्वारा मजदूरी के भुगतान की स्थिति उत्पन्न नहीं होती। प्रार्थी को नियोजक बैंक ने विभिन्न फुटकर खर्च व मजदूरी आदि के कारण भुगतान किया और प्रार्थी ने प्राप्त करना स्वीकार किया है। यह तथ्य प्रार्थी के इस कथन को अविवशनीय बना देता है कि उनमें नियमित रूप से बैंक में मैसेन्जर के पद पर कार्य किया। अनाधिकृत रूप से बैंक के लिपिकीय स्टाफ से कुछ कामजों पर हस्ताक्षर कराने या प्राप्त कर लेने से प्रार्थी को कोई उल्लेखनीय मद नहीं मिलती और यह टूटे-बिखरे धागों को एकत्रित कर कमजोर गांठ लगाने का प्रयास मात्र है।

14. इस पृष्ठभूमि में अब हम न्यायिक दृष्टांतों में दी गयी व्यवस्थाओं पर गौर करेंगे।

15. प्रार्थी की ओर से प्रस्तुत बीरेन्द्र कुमार के न्यायिक दृष्टांत में श्रमिक सार्वजनिक निर्माण विभाग उपखंड नदबई जिला भरतपुर के सहायक इंजीनियर के अधीन दैनिक वेतन पर बलदार के रूप में कार्यरत था और उसमें यह बताया गया था कि 25 महीने तक निरंतर सेवा की है। विभिन्न न्यायिक दृष्टांतों का विवेचन करते हुए माननीय राज. उच्च न्यायालय ने 240 दिन की सेवा गणना में पेड़ होलीडे को शामिल किया जाता और छंटनी के लिए धारा 25 एफ की पालन के संबंध में व्यवस्था दी और इस कानूनी पहलुओं के बारे में कोई विवाद की स्थिति नहीं है।

16. नियोजक द्वारा प्रस्तुत हिमांशु कुमार विद्यार्थी के मामले में श्रमिक दैनिक वेतन भोगी कर्मचारी थे और उसमें यह व्यवस्था दी गयी कि जहां नियुक्तियां स्टेड्यूटरी नियमों के तहत रीयूलेट होती है वहां उस सीमा तक उद्योग की अवधारणा एंगत कल्यूड हो जाती है और अस्थाई कर्मचारियों की ऐसी नियुक्ति नियमों के अनुरूप नहीं है उससे हटाये जाने को छंटनी की परिधि में नहीं लिया जा सकता।

17. अजय कुमार के द्वितीय न्यायिक दृष्टांत में माननीय उच्चतम न्यायालय ने यह कहा है कि कानूनी कि यह मुस्थापित स्थिति है कि किसी पद पर किसी को नियुक्त करते समय पद का अस्तित्व में होना आवश्यक है और प्रशासनिक हिदायते या स्टेड्यूटरी रूलस नियुक्त करते समय प्रभावी होने चाहिए और दैनिक वेतन पर नियुक्ति कंठिनजेंट स्थापना से संबंधित है जहां पर पद अस्तित्व में नहीं रहता और तब तक जारी रहता है जब तक कि काम अस्तित्व में रहता है।

18. सुधीरचन्द्र तिवारी के मामले में जहां कर्मचारी को तदर्थ बेसिस पर रखा गया और पद स्वीकृत भी है और जारी है और काम भी उपलब्ध है तब भी नियुक्ति की अवधि समाप्त होने पर ऐसे कर्मचारी का पद धारण करने का कोई कानूनी अधिकार नहीं बनता।

19. अशोक कुमार पाल के मामले में यह व्यवस्था दी गयी कि जहां नियुक्ति नियमों के अनुरूप नहीं हुई है वहां कुछ समय तक काम कर लेने मात्र से कर्मचारी नियमित होने का अधिकारी नहीं बन जाता।

20. तमिलनाडु हाईवेज के मामले के तथ्य भिन्न है उस मामले में बिना साक्ष्य के और अवसर दिये कार्यवाही की गयी थी अतः हस्तक्षेप किया गया था।

21. पतियाबलघोष के मामले में केवल यह अनुतोष दिया गया कि श्रमिक को पैन्ल पर रखने का सुझाव दिया गया ताकि यदि वो नियुक्ति के पात्र हो तो उन्हें प्राथमिकता दी जा सके।

22. भानमती के मामले में यह व्यवस्था दी गयी कि प्रार्थी निश्चित अवधि के लिये कार्यरत था। अतः उसकी समाप्ति के बाद पर बने रहने का अधिकार नहीं था। इस न्यायिक दृष्टांत के तथ्य भी प्रश्नगत मामले से भिन्नता रखते हैं।

23. अनीता गुलाठी के मामले में यह व्यवस्था दी गयी कि केवल इसलिए कि श्रमिकों को नियमित कर्मचारियों की मिलने वाले लाभ दिये गये इस कारण वे संस्थान के नियमित कर्मचारी नहीं बन जाते।

24. आर. बी. आई. के मामले में रिजर्व बैंक ऑफ इंडिया की कैटीन में कार्यरत श्रमिकों के बारे में यह व्यवस्था दी गयी कि न तो आर. बी. आई. कैटीन चलाने के लिए कानूनी रूप से बाध्य है और न ही कैटीन ध्वंज पर उसका कोई नियंत्रण है न ही पर्यवेक्षक है।

AWARD

By Order No. L-32012/7/90-IR (Misc) dated 27th March, 1991 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Port Trust in refusing to equate the pay of Shri Rabin Chandra Singha, Roy, I.C. Driver by advancing his date of increment from retrospective effect to that of his junior Shri Sukumar Bagchi I.C. Driver is justified or not? If not, to what relief the workman is entitled?"

2. The instant reference has arisen at the instance of National Union of Waterfront Workmen (1) (union in short) for advancing of the date of increment of Rabin Chandra Singha Roy I.C. Driver.

3. The case of the union, in short, is that the concerned workman Shri Rabin Chandra Singha Roy had been in service under the Engineer Superintendent Section of the Marine Department since 1958 and presently he is holding the post of I.C. Driver Grade-J. It is alleged that he was denied the fixation of officiating pay in terms of Fundamental Rule 22(A)(i) and subsequently refixation in terms of Fundamental Rule 22(C) as per Government of India's decision on fixation of pay under Fundamental Rule 22. The dispute being not settled at the local level the matter was referred to the A. L. C. (C), Calcutta. The management of Calcutta Port Trust took part in the conciliation proceeding in which it was decided that the concerned workman shall apply to the management for fixation of his pay, but liberty was given to the union to raise the dispute afresh, if the dispute was not settled. The concerned workman accordingly submitted a fresh application on 8-7-1989 for consideration of the management. Since the CPT refused to consider the appeal, a fresh dispute was raised and the conciliation proceeding having failed, the matter was referred to the Central Govt. which formulated the reference and send the matter to this Tribunal for adjudication. The union has accordingly prayed for directing the management to fix the pay of the concerned workman in terms of Fundamental Rule 22(A)(i) and subsequent fixation as per Fundamental Rule 22(C) in the same manner as it has been done in the case of Shri Sukumar Bagchi, I.C. Driver, with retrospective effect.

4. The management of Calcutta Port Trust is contesting the case of the union by filing the written statement wherein it is alleged that the concerned workman Rabin Chandra Singha Roy, First Class Driver was promoted to the post of I.C. Driver on 12-6-1982 in the scale of pay of Rs. 750—1251. The basic pay of Shri Singha Roy on his promotion was fixed at Rs. 953/= on 12-6-1982 after granting him all the benefits admissible under Fundamental Rules. By virtue of the wage settlement, the scale of pay of Shri Singha Roy I.C. Driver was revised in the scale of pay of Rs. 900—1630 with effect from 1-1-1984 and after pay fixation the pay of Shri Singha Roy stood at Rs. 1343/=. One Sukumar Bagchi, First Class Driver got promotion to the post of I.C. Driver in the scale of pay of Rs. 900—1630 on 1-2-1984 and in his case also, while fixing his pay on promotion, he was allowed all the benefits admissible under the Fundamental Rules. The pay of Shri Bagchi on 1-2-1984 thus stood at Rs. 1302/=. It is alleged that during the period from 12-6-1982 to 31-1-1984 Shri Singha Roy and Shri Bagchi were not borne in the same cadre and their seniority was maintained in different cadre i.e. First Class Driver and I.C. Driver respectively. So, according to the management, there was no anomaly in fixation of their pay arising out of promotion. It is further alleged that the pay of an employee is not the criterion for determining the seniority of the employee. After promotion, the date of annual increment of Shri Singha Roy and Shri Bagchi became 1st of June and 1st of February respectively and accordingly the question of equating their pay does not arise. The management also alleged that the question of submission of option by Shri Singha Roy for fixation of his pay is not a dispute before the Tribunal as submission of option does not fall within the term of reference. The management further submitted that the pay of Shri Singha Roy on his promotion to the post of I.C. Driver was correctly fixed after allowing due benefits under the Fundamental Rules as no

25. तथ्यों के संबंध में विवेचन और विश्लेषण के पश्चात् जिस निष्कर्ष पर हम पहुंचे हैं उसके आलोक में न्यायिक दृष्टांतों से प्रार्थी पक्ष को संबल नहीं होता। अतः पलावली का समग्रतापूर्वक अवलोकन और अध्ययन करने के पश्चात् तथ्यों के आलोक में प्रेषित विवाद का अधिनियम इस प्रकार किया जाता है कि श्रमिक लक्ष्मणसिंह नियोजक बैंक का कर्मचारी नहीं है। अतः दिनांक 21-9-93 से उसकी सेवा-मुक्ति का प्रश्न असंगत बन जाता है। अतः श्रमिक किसी अनुतोष को प्राप्त करने का अधिकारी नहीं है।

अर्वाइंड आज दि० 28-2-98 को लिखाया जाकर खुले न्यायालय में मुनाया गया। अर्वाइंड की प्रति नियमानुसार केन्द्र/राज्य सरकार को वास्ते प्रकाशनार्थ प्रेषित की जावे।

हरि सिंह यू० अस्नानी, न्यायाधीश

नई दिल्ली, 27 जुलाई, 1998

का.आ. 1625. औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[सं. एल-32012/7/90-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1625.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on 27-7-98.

[No. L-32012/7/90-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 2 of 1991

PARTIES :

Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer

APPEARANCE :

On behalf of Management—Mr. G. Mukhopadhyay, Senior Labour Officer (IR).

On behalf of Workmen—Mr. P. C. Mondal, Executive Committee member of the union.

STATE : West Bengal.

INDUSTRY : Port.

option, as claimed for fixation of pay, was ever submitted by him. The management accordingly prayed for dismissal of the case of the union.

5. Parties have filed certain documents and examined one witness each to prove their respective cases.

6. Regarding the documents filed by the union, Ext. W-1 is a prayer for fixation of pay on promotion to higher post by the concerned workman on 8-3-1989. The management has produced service register of the concerned workman, marked Ext. M-1 and M-2 and also filed a circular dated 27-7-1983 for fixation of pay on promotion to a higher post, marked Ext. M-3.

7. Heard the submissions of the representatives of both sides.

8. The workman in his evidence has stated that he got his promotion as I.C. Driver on 12-6-1983 and his junior Shri Sukumar Bagchi was promoted to the same post on 1-2-1984. He also stated that has no idea about the circular issued by the Calcutta Port Trust regarding fixation of pay. His grievance is that a junior in service should not get higher pay than him even if it is for four months. He prayed that he should at least get the same salary as Shri Sukumar Bagchi. He asked for grade increment. He, however, never stated in his evidence that such equalisation of his pay should be made by way of advancement of his date of increment.

9. The witness of the management, however, stated in his evidence that scales of pay are fixed as per Fundamental Rule 22(C). In case there is no option the provisions of Fundamental Rule 22(A) are taken recourse to. Fundamental Rule 22(A)(i) is considered when option is given. He also stated that there are incidents where seniors were getting less pay than juniors and on such happenings, Finance Department take steps and makes necessary correction.

10. It thus appears that there is practically no dispute regarding the facts of the case. Admittedly, the concerned workman Rabin Chandra Singha Roy is senior in service to Sukumar Bagchi and though the former was promoted earlier in point of time, the latter was getting higher pay than him. Date of promotion of the concerned workman and Sukumar Bagchi is also admitted. The former got his promotion on 12-6-1982 and the latter on 1-2-1984. It is admitted that Shri Bagchi is getting his increment in the same scale of pay four months before the same becomes available to the concerned workman even though he is two years senior to Shri Bagchi.

11. The moot point for consideration in this case, accordingly is whether the management of Calcutta Port Trust was justified in fixing the pay of an admittedly senior employee at a lower stage than his junior. There cannot be any doubt that in the normal circumstances the senior in service is always to get higher pay than his junior. It may also be that senior and junior in service may enjoy the same pay from the date of promotion, if such promotion takes place on the identical date. But, normally under no circumstances fixation of pay of a senior cannot be less than that of his junior at any point of time.

12. Mr. Mukherjee, representative of the management, while admitting that in normal circumstances no senior in service should get less pay than his junior at any point of time, submitted that if the senior himself has invited such position by reasons of his callousness and negligence, he is to suffer for that and the management cannot be blamed for such fixation as the fixation in question was not done arbitrarily or without reference to rules. For this purpose, he drew my attention to the circular (Ext. M-3) and submitted that the circular having been circulated amongst all the employees, the concerned workman shall be presumed to know the contents of the circular. Mr. Mondal, representative of the union submitted that the circular was not circulated and to the concerned workman, having no knowledge in respect of the circular, could not exercise his option as stated in the circular. I am not in a position to agree with Mr. Mondal on this point as the circular shall be presumed to have been circulated amongst the employees. The circular has clearly stressed the need for exercising

option by the employees on their promotion within one month for fixation of pay on promotion after receiving one increment in the old scale as stated in the Fundamental Rule 22(A) (i). It is also clearly stated there that if any employee on his promotion to a higher grade fails to exercise his option, his fixation on promotion shall be straight-away fixed to the next available stage on the promoted scale on the basis of Fundamental Rule 22(C) without any further review of the accrual of increment in the pay scale of lower post.

13. The concerned workman admittedly having not exercised his option in terms of the Fundamental Rule 22(A)(i), the management cannot be blamed for fixing his pay straight-away under the provisions of Fundamental Rule 22(C) without giving him an advantage of one increment in the old scale. Representative of the union failed to show anything in the Fundamental Rules in support of his contention that a senior can under no circumstances get lesser pay than the junior. The witness of the management also admitted existence of such cases amongst the employees of the Calcutta Port Trust and stated that such anomalies are referred to the Finance Department for solution. The provisions of the Fundamental Rules, however, having prescribed the procedure for fixation of pay on promotion, as stated above by me, and the management having complied with such provision in fixing the pay of the concerned workman and the union also having failed to show any provision for advancing the date of increment of an employee in the Fundamental Rules, I am to hold that the management cannot be said to be unjustified in not advancing the date of increment of the concerned workman by four months for equating the same with that of Shri Sukumar Bagchi.

14. In view of what goes above, I am to hold that the action of the management of Calcutta Port Trust in not advancing the date of increment of the concerned workman Shri Rabin Chandra Singha Roy with retrospective effect for equating his pay to that of his junior Shri Sukumar Bagchi was justified. The workman accordingly shall not be entitled to any relief in this case.

This is my Award.

Dated, Calcutta,
The 15th July, 1998.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली; 27 जुलाई, 1998

का.आ. 1626.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्पींग एंड क्लियरिंग एजेंट पी. लि., के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[सं. एल-32011/04/95-आई.आर. (विविध)]

बी. एस. डेविड, डेस्क अधिकारी

New Delhi, the 27th July, 1998.

S.O. 1626.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s Shipping and Clearing (Agents) Pvt. Ltd., and their workman, which was received by the Central Government on the 27-7-1998.

[No. L-32011/04/95-IR (Misc.)]
B. M. DAVID, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA.

Reference No. 17 of 1996.

PARTIES :

Employers in relation to the management of
M/s. Shipping and Clearing Agents Pvt.
Ltd.

AND

Their Workmen.

PRESENT :

Mr. Justice A. K. Chakravarty,
Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. S. Sengupta,
Advocate with Mr. A. K. Bose, Advocate.

On behalf of Workmen : Mr. H. Rahman,
Advocate.

STATE : West Bengal. INDUSTRY : Shipping
and Clearing.

AWARD

By Order No. L-32011/4/95-IR (Misc.), dated 31-5-1996 the Central Government in exercise of its powers under section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of M/s. Shipping and Clearing (Agents) Private Limited in not allowing S/Shri Chandrika Ray, Sagar Ray, Ramdeo Ray, Charam Nath Ray, Ram Ajyodhya Ray, Ram Nath Ray, Rambuji Ray, Ram Chandra Ray, Ambika Ray and Haricharan Ray w.e.f. March, 1994 to do work and not paying their salary is justified? If not to what relief they are entitled?”

2. The reference, as mentioned above, clearly shows that the employer is M/s. Shipping and Clearing (Agents) Private Ltd. and obviously the concerned workmen being employees of that employer seek relief against it in this reference.

3. It appears that both the sides have filed their written statements and the case was ready for hearing by examination of the witnesses of the parties. From the last order dated 22-6-1998 it will appear that the case was fixed for orders upon hearing the learned Advocates of the parties on the preliminary point of maintainability of the reference though the earlier order was for examination of witness of the union. Since it is clear that no useful purpose will be served by putting the parties into trouble by directing them to undergo the entire process of completion of the case, this Tribunal with a view to mitigate the difficulties of the parties fixed the matter on 29-6-1998 *suomoto* for hearing on the point of maintainability.

4. Heard the learned Advocates of both the parties.

5. As stated above, the employer in the present reference is M/s. Shipping and Clearing (Agents) Pvt. Ltd. Under Section 10 of the Industrial Disputes Act, 1947 the reference of any industrial dispute for adjudication by the Industrial Tribunal can be made by the “appropriate Government”. The “appropriate Government” is defined in section 2(a) of the said Act. Under section 2(a)(i) of the said Act in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government and other industries specified therein, the Central Government is the “appropriate Government”. In section 2(a)(ii) of the said Act it is stated that in relation to any other industrial dispute, the “appropriate Government” is the State Government.

6 Management of M/s. Shipping and Clearing (Agents) Private Limited has not been shown in the reference as an industry carried on by or under the authority of the Central Government. The employer industry is not also shown as Central Government industry in section 2(a)(i) of the said Act. In fact, nothing appears from this reference from which it can be understood that the management of M/s. Shipping and Clearing (Agents) Private Limited has got any concern with the Central Government Industry or any industry controlled by the Central Government or corporation set-up by the Central Government. That being the position, the conclusion is inescapable that the Central Government is not the “appropriate Government” in relation to the industry under reference. In the aforesaid reference, the appropriate government in relation to the present industry shall be the State Government.

7. In the aforesaid circumstances, the Central Government cannot be the “appropriate Government” under section 10 of the Industrial Disputes Act, 1947 to make such reference before this Tribunal. This Tribunal being empowered to entertain only those references of the Central Government where it is the “appropriate Government”, it cannot have any jurisdiction to entertain this reference. The Central Government being not the “appropriate Government” wrongly assumed jurisdiction to refer the present industrial dispute to this Tribunal for adjudication, no jurisdiction will be created in favour of the Tribunal for entertaining the reference. Present reference being thus misconceived, bad in law and not maintainable, no question of disposal of the same on merit can arise.

8. The reference is accordingly disposed of as not maintainable.

This is my Award.

Dated : Calcutta,

The 1st July, 1998.

A. K. CHAKRAVARTY, Presiding Officer.

नई दिल्ली, 27 जुलाई, 1998

BETWEEN

का.आ. 1627.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टूटीकोरिन स्टीवीडोर्स एसोसिएशन के प्रबन्ध तंत्र के संबद्ध नियो-जकों और उनके कर्मचारों के बीच अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[सं. एल-44011/4/91-आई.आर. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th July, 1998

S.O. 1627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tuticorin Stevedores Association and their workman, which was received by the Central Government on 27-7-98.

[No. L-44011/4/91-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU MADRAS

Friday, the 27th day of March, 1998

PRESENT:

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 36 of 1992

(In the matter of the dispute for adjudication under Sec. 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of Tuticorin Stevedores Association, Tuticorin).

The Workmen represented by
The General Secretary,
National Harbour Workers' Union,
61, Kaliappa Pillai Street,
Tuticorin-628 001.

AND

The Administrator,
Tuticorin Stevedores' Association,
Indian Chamber Building,
84-D, South Raja Street, Tuticorin 628 001.

Reference :—Order No. L-44011/4/91-IR(Misc),
Ministry of Labour, dated 25-2-92, Govt.
of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 29th day of January, 1998, upon perusing the reference, claim, counter statements and all other material papers on record, and upon hearing the arguments of Tvl. R. Arumugam, Aiyar & Dolia, Advocates appearing for the union and of Tvl. P. Peppin Fernando, Advocate appearing for the respondent-management, and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

The Central Government by letter dated 25-2-92 has referred the following dispute for adjudication by this Tribunal.

"Whether the action of the management of Tuticorin Stevedores Association in dismissing 32 workers is justified. If not to what relief the workmen are entitled to?"

2. The main averments found in the claim statement and additional claim statement filed by the petitioner union are as follows :

The names of the workmen concerned in this dispute and the period of leave applied by them is as follows:—

Sl. No.	Name of workmen	Leave applied for	Extension of leave
1	2	3	4
1.	A.S. Vallinayagam	1-10-86—15-10-86	2 months Extn.
2.	K. Muniasamy	01-01-87—15-01-87	"
3.	V. Vannia Perumal	01-03-86—18-06-86	"
4.	K. Muniavelu (a) Muniandi	01-01-85—15-01-85	"
5.	S. Mariappan	01-06-86—17-06-86	"
6.	R. Ramachandran	01-01-85—15-01-85	"
7.	S. Cehlladurai	01-06-86—15-06-86	"
8.	P. Marimuthu	11-07-86—25-07-86	"
9.	V. Antony	01-06-86—17-06-86	"

1	2	3	4
10.	S. Thangamani	01-06-86—20-06-86	2 months Extn.
11.	K. Gurusamy	01-06-86—20-06-86	"
12.	A. Kasi	01-03-86—17-03-86	"
13.	A. Rayappan	01-06-86—20-06-86	"
14.	K. Manickam	11-05-86—25-05-86	"
15.	J. Joseph Michel Antony	29-03-87—16-04-87	"
16.	M. Pathirakali Muthu	23-03-87—08-04-87	"
17.	C. Karuppasamy	04-06-86—20-06-86	"
18.	S. Rayappan	01-06-86—20-06-86	"
19.	P. Paramasivam	26-02-87—10-03-87	"
20.	A. Oondiveeran	26-02-87—10-03-87	"
21.	V. Paria Anchuran	12-06-86—30-07-86	"
22.	S. Cehllaiah	03-07-86—24-07-86	"
23.	P. Murugesan	01-01-88—20-01-88	"
24.	C. Muniasamy	31-05-86—20-06-86	"
25.	S. Visuvasam	04-06-86—25-06-86	"
26.	J. Natarajan	11-05-86—01-06-86	"
27.	P. Ramasamy	09-04-86—15-05-86	"
28.	S. Petchimuthu	20-08-86—15-09-86	"
29.	S. Velsamy	20-06-87—15-07-87	"
30.	R. Varadaraj	11-07-87—25-07-87	"
31.	V. Durairaj	12-09-87—24-09-87	"
32.	K. Muthiah (a) Muthaiyan	25-09-87—14-10-87	"

3. The petitioners' after the above leave have extended leave by 2 months in each case. The leave applications were submitted through co-workers. After recovery from the illness or other reasons when each of these worker reported for work on various dates at the call point, the worker concerned was informed at that time that he was dismissed from service. When the every workmen concerned met the Administrative Officer of the respondent and gave representation he was asked to meet the ATM and DTM the Port Authority who in turn asked them to come for every one week or 15 days. Each worker has made several representations. But inspite of these representations the workers were not reinstated in service. All the 32 workers submitted leave applications for extension of leave in the specified form through their co-worker. The respondent having received the said leave applications did not send any communication or notice to these workers. But when the workers reported for work after their illness, domestic work was over, the respondent refused to provide them work. Even though the 32 workmen did not commit any misconduct, the respondent has imposed the Capital punishment of dismissal from service. When these 32 workers applied for leave, if the respondent is not satisfied with the genuineness of their demand or if the leave is not granted/extended to them, in such cases the employees should be asked to rejoin duty within a specified time failing which they should be rendered for disciplinary action, but admittedly the respondent did not issue any such notice to these workers. Therefore, the workers have presumed that their leave have been sanctioned and extended. The

action of the respondent in terminating the services of the 32 workers without charge sheeting, without conducting any enquiry and without giving any opportunity amounts to an unfair labour practice on the part of the respondent and against the principles of natural justice. The workmen are not given even an opportunity to defend their side. The termination is against the Standing Order and it is in violation of the Standing Order. The order of termination issued against these 32 workers amounts to violation of article 311 of the Constitution of India. The termination without adopting the procedure enshrined in the Constitution of India, is to be struck down since the action is arbitrary, malafide, and lacks in bonafide. The different stands took by the respondent in the conciliation will show that these 32 workers who worked from 1983 onwards continuously more than 240 days in each year were thrown out on wrong presumption. The various provisions as contained in the Industrial Disputes Act, 1947 including Section 25-F has not been complied with before terminating the services of these workers. The very fact that no individual orders were passed and communicated to them will show that the very order of the termination is null and void and liable to be set aside. The petitioner prays to pass an award holding that the action of the respondent in terminating the services of the workers is not justified and to direct the respondent to reinstate the workers in the service with continuity of service, with full backwages, and with all attendant benefits.

4. The main averments found in the counter statement filed by the respondent are as follows :

The workers referred in the application are only casual workers and not permanent workers of the respondent. Hence the said workers cannot claim any legal status or benefits enjoyed by "workers". The said 32 casual workers did not report for duty continuously for 45 days and they were absent without giving any prior intimation to the respondent. As per the settlement arrived at under Section 18(1) of the Industrial Disputes Act, between the respondent and the unions on 12-11-1982 the management has got right to remove the names of the Casual workers who are absent without any intimation continuously for 45 days from rolls and their Dock entry permit will be recommended to Port Trust of Tuticorin, for cancellation. The casual labourers did not continuously work for 240 days. The alleged leave application and extension of leave application by each worker is denied. The respondent did not receive any such leave or extension of leave application and therefore the question of sending any reply does not arise. The respondent also denies that each worker returned for work at the call point as alleged by him. The worker was not told that he had been removed from service. The allegation that each worker met the Administrative Officer who in turn asked them to meet the Port Officials, is not true. No representations was given by each worker as alleged. These workers did not give their residential address. The respondent has no opportunity to know their last known residential address. When these workers did not return for work for continuous 45 days, the respondent published a notice at the call point calling upon the workers to return to duty failing which their names would be removed. Still there was no response by these workers. They did not turn up for work. Hence their names were removed from the rolls of the respondent and the cancellation of their Dock Entry Permit was recommended. This respondent has followed all procedures before striking off the names of these casual labourers. Since the workers have been removed from service the question of their being given an opportunity does not arise for consideration. These workers are liable to be removed from service as per settlement under 18(1) of the I.D. Act. The reason for removal and the act of removal were displayed at the "Call point". There is no need for any enquiry. These workers absented from duty voluntarily and their continuous absence is sufficient to remove these workers. There is no need to give any opportunity to defend them. These workers voluntarily stopped from coming to duty and hence there is no violation of Standing Orders. There is no violation of Article 311 of the Constitution of India. All the legal requirements have been followed. The action is not arbitrary, mala fide and lack of jurisdiction. The question of complying with provisions of Industrial Disputes Act, does not arise for consideration since they have been removed from service according to law. There is no need for sending individual orders and such sending is impossible. These workers did not give their residential address. Hence individual notice could not be sent. The respondent prays to dismiss the claim petition.

5. On behalf of the petitioner, WW1 and WW2 have been examined and Exs. W-1 to W-6 have been marked. On behalf of the respondent, MW1 has been examined and Ex. M.1 to M.3 have been marked.

6. The Point for our consideration is : Whether the action of the respondent in dismissing 32 workmen is justified? If not, to what relief the workmen are entitled to ?"

7. The Point : During the course of arguments the learned counsel for the petitioner has submitted that he is not pressing the claim of worker Thiru R. Varadaraj, Sl. No. 30 in the claim statement and hence this dispute is concerned with the remaining 31 workmen. All the workmen have contended that they are employed under the respondent management from 1983 onwards that due to sickness they have applied for leave for 15 days or so initially in different dates and extended the same by two months and submitted necessary leave letter to the respondent through co-employees, and that the respondent never sent any reply regarding the sanction of leave, that when they reported for duty, they were informed that they have been terminated from service, that no enquiry was conducted to give an opportunity to the concerned workman to explain reasons for their absence and that the respondent has violated Sec. 25F of the I.D. Act and pray for reinstatement with full backwages.

8. The contention of the respondent management is that the above workmen are only casual labourers and Mazdoors who voluntarily abandoned their services, that they have not sent any leave letters, that since they were absent for more than 45 days, as per the settlement dated 12-11-82, their names were put up in the notice board in the call point and since the workmen failed to return to duty, their names were removed from the muster rolls and that there is no violation of Sec. 25F of the I.D. Act.

9. WW1 Thiru Joseph Antony Michael has deposed about the leave application submitted by him through a co-employee and the refusal of the management to give him duty when he reported for duty and his subsequent attempts to get work through the union. The WW2 Thiru Kadirvel General Secretary of the union has deposed about the leave applied for by the 32 workmen, and the refusal of the respondent to admit these workers when they returned after leave and the subsequent communication is raising this dispute and also about the conciliation proceedings. That the 31 workers concerned in this dispute are the employees of the respondent is not denied by the respondent management. The workers claim that they are employed continuously under the respondent from 1983 onwards and that they issued with Dock Entry permit by the Port Trust of Tuticorin and when they went to get bonus, the Dock Entry permit was received and retained by the respondent. The respondent has contended that the above workers did not work for 240 days continuously and hence they have no right to claim any benefit and that when the workers did not turn up for work for continuous 45 days, the respondent published a notice at the Call point calling upon the workers to return to duty failing which their names would be removed, still there was no response and hence their names were removed from the rolls, and cancellation of their Dock Entry Permit was recommended. The petitioners apart from their oral evi-

dence, has not produced any document, to show that they are continuously employed under the respondent from 1983 onwards. In the counter statement, the respondent has not denied the employment of these workers from 1983 onwards, but only denies their continuous employment for 240 days in an year. The Administrative Officer MW1 has neither denied the employment of these workers from 1983 nor their continuous employment. In para 3 and 38 of the counter statement, the respondent has stated that these workers did not turn up for work for continuous 45 days which would otherwise means that if these workers turned up during the above period, they could have been working continuously. It would also mean that the nature of work performed by these workers is continuous or permanent in nature. The workers cannot be expected to be in possession of any document to prove their continuous employment. On the other hand, the respondent should have been maintaining Attendance Register, Wage Register, etc. which would show how many days these workers have actually worked in an year. But the respondent has failed to produce any such document or register which would prove the nature of employment of these workers. The law is well settled that a party who is in possession of documents (but evidence) on certain matters should produce the same and in the event of his failure to do so, the Court is bound to draw an adverse inference against him. Except a formal denial in para 37 of the counter statement that the casual labourers did not continuously work for 240 days, there is no other evidence on the part of the respondent for serious denial on the part of the respondent that the workers have worked continuously for about 240 days. Therefore I hold that the 31 workers were working continuously under the respondent and have fulfilled the legal requirements contemplated u/s. 25B of the I.D. Act.

10. The next contention of the respondent/management is that these workman did not send leave letters as alleged and they were continuously absent for more than 45 days and as per Ex. M 3 settlement, since they did not turn up for duty, inspite of notice at the call point, their names were removed from the muster rolls and the respondent also recommended for the cancellation of their Dock Entry Permit. Apart from specific dates of leave letters to the respondent, the workmen have also sent Ex. W-1 series representations. Even assuming that the workmen have not sent these leave letters still it remains to be seen whether the workers could be terminated from service without an enquiry and without giving an opportunity to the workmen to explain the reasons for their absence. Admittedly, the respondent is bound by the Model Standing Orders, S.O. No. 14 reads as follows :—

- (1) Subject to the provisions contained in Standing Order 17, no employer shall dispense with the service of any workman with not less than one year of continuous service except for a reasonable cause and without giving such workmen atleast one month's notice or wages in lieu of such notice.

(2)

- (3) No order of termination of service of a workman shall be made unless the workman is informed in writing of the reasons for the termination of his services and is given an opportunity to show cause against such termination. A copy of the said order shall be communicated to the workman. Standing Order No. 17 deals with suspension procedure for enquiry and punishment.

11. As far as these workers are concerned the respondent has neither conducted any enquiry for the termination of the services nor has given any opportunity to show cause against such termination nor a copy of the said order has been communicated to the workman. In 1979 I.L.J. P 257 Between G. T. LAD & ORS. Vs. CHEMICALS & FIBRES OF INDIA LTD., the Hon'ble Apex Court has defined abandonment as follows :—

"The true meaning of the expression, abandonment of service" is laid down in this appeal. Also decided are the questions : (1) Whether in the circumstances of the case, it could be said that the appellant workman had voluntarily abandoned the service of the Company; and (2) Whether the action of the Company in removing the names of the appellants from its muster rolls on the presumption that they had abandoned service would constitute a change in the conditions of service of the workmen ?

"Held : In the absence of the statutory definition of abandonment of service" one has to depend on the dictionary meaning. From the meanings given it clearly follows that to constitute abandonment, there must be total or complete giving up of duties so as to indicate an intention not to resume the same.

Abandonment or relinquishment of service is always a question of intention, and normally such an intention cannot be attributed to an employment without adequate evidence in that behalf. Thus, whether there has been a voluntary abandonment of service or not is a question of fact which has to be determined in the light of the surrounding circumstances of each case. In the instant case, on facts, held the absence of appellants from duty was because of their peaceful strike to enforce their demands. Accordingly, there was no abandonment of service on the part of the appellant workmen. There being no provision in the certified Standing Orders by virtue of which the company could have terminated the services of the appellant in the circumstances it has been done the impugned action on the part of the company clearly amounted to a change in the conditions of service of the appellants during the admitted pendency of an industrial dispute which adversely affected them and could not be countenanced (vide Express Newspapers Vs. Michael Mark and another (1963) SCR 405).

Appeal allowed and taking into consideration a total view of the whole case, all the workmen are ordered to be paid 75 per cent of the wages on the scales (revised scales for the period from 1972 to the date of reinstatement.)"

12. In 1994 LLR Page 538, **THE EXECUTIVE ENGINEER, IRRIGATION DIVN. JAIPUR Vs. NARNARAIN**, the Hon'ble Rajasthan High Court has held as follows :—

"The employee is always in a disadvantageous position vis-a-vis the employer. He is not in a position to dictate the terms of employment qua employer. It is the sweet will of the employer to engage a workman on the terms and conditions which suit the employer. However, when a workman leave service after working for a year or more, the natural conduct which is expected of the employer is to make an enquiry as to why the workman is not coming on duty."

In this case, the Hon'ble High Court has held that in the absence of any enquiry before termination, Sec. 25F of I.D. Act has been violated and has ordered reinstatement with 50 per cent backwages.

In 1996 2 LLN 908, Between **B. G. SARASWAT and ENGINEERS INDIA LTD., & ORS.** a division bench of the Hon'ble High Court of Delhi has held that striking of the name of the workman for prolonged absence without holding enquiry and without giving opportunity to show cause and terminating his services is violative of principle of natural justice and has ordered reinstatement of service with 50 per cent backwages.

In 1997 (2) LLN Page 558, Between **JEEVAN PRASAD MISRA and LABOUR COURT KANPUR and ORS.**, the Hon'ble Allahabad High Court has held that even when a worker is absent without leave, he has to be charge sheeted and a domestic enquiry should be held against him and in the absence of a charge sheet and enquiry, the termination is illegal and has ordered reinstatement of the worker with backwages from the date of his initiating the case.

In 1991 LLN Page 903, Between **RIAZ AHMAD and MUNIR ISMAIL MOHAMMED & ORS.** the Hon'ble Bombay High Court has held as follows :—

"The story of the employer that the petitioner abandoned his service cannot be accepted. Even if we assume, for a moment, that there was such voluntary abandonment of service on the part of the petitioner, as held by this Court in **Gowri-Shankar Vishwakarma Vs. Eagle Spring Industries (P) Ltd.**, and others (1988 1 LLN 259) it was incumbent upon the 1st respondent to hold an enquiry before treating the service as terminated on this ground. The 1st respondent did not do so. The termination of the service of the petitioner must, therefore, be held to be illegal and void. The result is that the petitioner is entitled to reinstatement with full backwages."

In 1997 (1) LLJ Page 830, Between **N. SELVARAJ AND THE MANAGEMENT OF SEERANAICKANPALAYAM WEAVERS CO-OP. SOCIETY**, our Hon'ble High Court has held that when a workman is retrenched without payment of retrenchment compensation, the termination is not bona fide and the award of the Labour Court granting monetary compensation in lieu of retrenchment has been set-aside and the management has been directed to reinstate the workman in service with all consequential backwages."

From the various decisions referred earlier, it is clear that even in the case of abandonment of service by a workman, still the management is bound to issue a charge sheet and conduct an enquiry. In the Model Standing Order which is applicable to the respondent, in S.O. No. 14, it is clearly mentioned that the following three procedures should be adopted before terminating the services of a workman.

- (a) The workman must be informed in writing the reasons for the termination of his service.
- (b) The workman must be given an opportunity to show cause against such termination and
- (c) A copy of the termination order shall be communicated to the workman.

In this case, the respondent management has failed to observe any of the above formalities or procedures.

13. To substantiate the respondent management's contention that in the case of absence without prior permission amounting to abandonment of service termination from service is valid, the learned counsel for the respondent submitted a Judgement of our Hon'ble High Court reported in 1990 Writ L.R. Page 443, Between **INDIAN OXYGEN EMPLOYEES' UNION Vs. STATE OF TAMIL NADU**, wherein a division Bench of the Hon'ble High Court has held as follows:

"Termination of Service on account of absenteeism from duty without leave for more than requisite number of days specified in the Standing Orders Definition of "workman" in S. 2(s) whether can be invoked to enable him to raise an industrial dispute.

It is an admitted fact, beyond pale of any controversy that the workman absented himself without any leave on and from 1-11-78 to 28-1-79. On the face of this, it goes without saying that the workman shall be deemed to have abandoned his services and lost his lien on employment, as per Cl. 12(vi) of the Standing Orders. Once this decision is reached, it can by no stretch of imagination be construed that he is a workman as defined under S. 2(s) of the Act and consequently no reference can ever be made by the Government under Section 10(1) of the Act."

14. The dictum of the above referred judgement of the Hon'ble High Court of Madras now relied upon by the respondent management cannot be applied to this case, because the facts of the above referred case

is different from the facts of this case. In the case cited by the respondent's learned counsel there was a specific clause 12(6) and under Clause 7(f) of the Certified Standing Orders applicable to the Management which reads as follows :

Cl. "7(f) If the employee absents himself without leave or remains absent beyond the period of leave originally granted or subsequently extended, he shall be considered as having voluntarily terminated his employment unless he (i) returns to work within eight working days of the commencement of such absence and (ii) has given an explanation to the satisfaction of the Manager for such absence.

Cl. 12(vi) Any employee who absents himself without written permission from work or place of work for more than 10 consecutive days shall be deemed to have left the services without giving due notice."

As far as the respondent Management's case is concerned there are no Certified Standing Orders and only Model Standing Orders are applicable to the respondent management. In the Model Standing Orders which is applicable to the respondent management there is no clause which is analogous or similar to clause 7(f) and Clause 12(vi) as was found in the case referred above. Moreover, in the case referred earlier the management has not only sent a notice to the worker but has also conducted an enquiry with regard to the misconduct of absenteeism by the worker and the worker has not participated in the enquiry and only after the enquiry the termination order has been passed. But in this case all the above particulars have not been followed by the respondent management

15. The next contention of the respondent management is that they have terminated the services of the worker according to the rules and also according to the settlement under 18(1) of the I.D. Act. As regards rules the respondent management has neither produced nor cited any such rules which was followed by the management. As regards Sec. 18(1) settlement the management relies upon Ex. M.1, which is nothing but Minutes of Meeting between the management and representative of two unions. In the said Minutes dated 12-11-82 WW2 the Secretary of the petitioner Union has signed but this minutes is not a settlement made under Section 18(1) of the I.D. Act, 1947. MW1 the Administrative Officer of the respondent management has admitted that Ex. M.1 is not a settlement but only Minutes of Meeting. The respondent has further contended that as per the above alleged settlement the names of the absentee workers was published at the call point and even after such publication since the workers did not turn up for duty their names were removed from the muster rolls and recommendations were made to the Port Authorities to cancel the Dock Entry Permit. The alleged notice said to have been pasted in the call point is Ex. M.3. In Ex. M.3 as admitted by MW1 the Administrative Officer, only names of 10 workers concerned in this dispute, has been mentioned and names of other 21 workers has not been mentioned. Though the MW1 Administrative Officer deposed that publication of names of

other workers was also made in the call point no such documents were produced before this Tribunal. Ex. M.3 notice could not contain the names of A. S. Vallinayagan, K. Muniasamy, Joseph Michael Antony, Pathirakalimuthu, P. Paramasivan, A. Ondiveeran and P. Murugesan because the period of their leave/absence is later to the date of Ex. M.3. The learned counsel for the petitioners contends that Ex. M.3 notice has been prepared subsequently for the purpose of this case. However the fact remains that no individual notice was sent to the workers or to the Union to which they are members. Further this procedure has not been adopted according to any settlement as contended by the respondent management. As already stated the Minutes dated 12-11-82, Ex. M.1 cannot be treated as a settlement entered into under Section 18(1) of the I.D. Act. Therefore this contention of the respondent that they have terminated the services of the workers according to a settlement and also according to the rules (which has never been produced or quoted) is also untenable.

16. In the result an award is passed holding that the termination of 31 workmen is not justified and the respondent is directed to reinstate all the 31 workmen with backwages, continuity of service, and other attendant benefits.

Award passed. No costs.

Dated, this 27th day of March, 1998.

S. ASHOK KUMAR, Industrial Tribunal
WITNESSES EXAMINED

For Petitioner/workman:

W.W.1 : Thiru Joseph Michael Antony.

W.W. 2 : Thiru P. Kathirvelu

For Respondent/management:

M.W. 1 : Th. C. T. Michael Fernando.

DOCUMENTS MARKED

For Petitioner/workman:

Ex. W-1|series : 31 letters written by workmen to the Tuticorin Port Trust (xerox copy)

W2|6-12-89 : Dispute raised by the petitioner before RLC (xerox copy)

W-3|10-5-90 : Petitioner's letter to RLC (xerox copy).

W-4|13-8-90 : —do—

W-5|22-2-91 : —do—

W-6|25-7-91 : Failure report

For Respondent/management :

Ex. M.1|12|11-82 : Minutes of the discussions with the employers and the representatives of unions (original).

M-2|28-4-90 : Letter reg. reinstated of employees into service (xerox copy).

Ex. M.3|10-10-86 : Notice by Tuticorin Stevedors Association regarding calling them to attend duty of casual labour (copy).

ANNEXURE

LIST OF EMPLOYEES WHO HAVE BEEN REMOVED FROM SERVICE

Name S/Shri	Roll No.
1. A. S. Vallinayagam C & F Labour	7144
2. K. Muniasamy —do—	7241
3. V. Vannia Perumal —do—	7069
4. K. Muniandi —do—	7079
5. S. Mariappan —do—	7271
6. R. Ramachandran —do—	7064
7. S. Chelladurai —do—	7047
8. P. Marimuthu —do—	7203
9. V. Antony —do—	7242
10. S. Thangamani —do—	7232
11. K. Gurusamy —do—	7125
12. A. Kasi —do—	7044
13. A. Rayappan —do—	7200
14. K. Manickam —do—	7108
15. J. Joseph Michel Antony —do—	7188
16. M. Pathirakali Muthu —do—	7045
17. C. Karuppusamy —do—	7063
18. S. Rayappan —do—	7169
19. P. Paramasivam —do—	7192
20. A. Oondi Veeran —do—	7093
21. V. Peria Anchutan —do—	7143
22. S. Chellaiah —do—	7084
23. P. Murugesan —do—	7082
24. C. Muniasamy —do—	2570
25. S. Visvasam —do—	7237
26. J. Natarajan —do—	5010
27. P. Ramasamy —do—	7060
28. S. Fatchimuthu —do—	7118
29. S. Velsamy —do—	7259
30. R. Varadaraj —do—	7210
31. V. Durairaj —do—	7089
32. K. Muthian —do—	7114

नई दिल्ली, 28 जुलाई, 1998

का.आ. 1628—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[सं. एन-12011/26/84-आई.आर. (बी-II)]

समानन, डेस्क अधिकारी

New Delhi, the 28th July, 1998

S.O. 1628.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of

Bank of India and their workman, which was received by the Central Government on 27-7-98.

[No. L-12011/26/84-JR(B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 100 of 1988

Parties :

Employers in relation to the management of Bank of India, Calcutta.

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management : Mr. S. Kumar, Industrial Relation Officer.

On behalf of Workmen : Mr. D. P. Roy, General Secretary of the Indian National Bank Employees' Congress.

STATE : West Bengal INDUSTRY : Banking

AWARD

By Order No. L-12011/26/84-D. II(A) dated 16th July, 1987 and corrigendum of even number dated 3-9-1987 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Bank of India, Calcutta, in not giving a chance to take the written test and selection for the purpose of absorption in the Bank's services to the workmen whose names are given in the Annexure is justified? If not, to what relief are the concerned workman entitled?"

ANNEXURE

Sl. No. Name of the workmen

1. Shri Sibaprasad Bose
2. Shri Tarun Mukherjee
3. Shri Dababrata Lahiri
4. Shri Susanta Basak
5. Shri Tapan Kumar Ghosh
6. Shri Uttam Bagchi
7. Shri Biswanath Ghosh
8. Shri Satya Naskar
9. Shri Biren Paul
10. Shri Pranab Mazumder
11. Shri Gokul Mukherjee
12. Shri Gurupada Mondal

Sl. No.	Name of the workmen
13.	Shri Tarak Nath Mondal
14.	Shri Tapan Kumar Paul
15.	Shri Nepal Banerji
16.	Shri Ashoke Mondal
17.	Shri S. K. Barjhanali
18.	Shri Tulsi Ram Gupta
19.	Shri Samar Mondal
20.	Shri Bhim Singh
21.	Shri Prosanta Halder
22.	Shri Debatrata Basu Roy
23.	Shri Dinbondhu Mondal
24.	Shri Ratan Krishna Dutta
25.	Shri Sukumar Roy
26.	Shri Rupchand Das
27.	Shri Asish Kumar Das
28.	Shri Swapan Kumar Banerjee
29.	Shri Nandulal Passwan
30.	Shri Chandulal Passwan
31.	Shri Surendera Singh
32.	Shri Upendra Nath Singh
33.	Shri Paritosh Karmi
34.	Shri Ajit Kumar Banerjee
35.	Shri Parimal Kumar Giri
36.	Shri Swapan Kumar Paul
37.	Shri Suresh Prasad Singh
38.	Shri Biman Barman.

2. Instant reference has arisen at the instance of Bank of India National Employees' Congress (Union in short) for determination of the question whether the management was justified in not allowing the concerned 38 persons to sit in the written test and selection for the purpose of absorption in the Bank's services.

3. Union's case, in short, is that the management of Bank of India, Regional Office, West Bengal Region appointed temporarily large number of subordinate staff after proper selection as per norms of the Bank from 1971 onwards for filling up the vacancies of subordinate staff in West Bengal Zone of Bank of India. Services of the concerned 38 persons under reference alongwith 20 more persons who were employed subsequently in the Bank temporarily were terminated by the Bank. These 20 persons filed a writ petition before the Hon'ble Calcutta High Court and the writ petition was finally disposed of with the order that they shall be employed by the Bank on adhoc basis untill further order. Union's further case is that there are plenty of vacancies of full-time subordinate staff under West Bengal Zone of Bank of India and also in other zones of the said Bank and that the concerned persons are willing to serve in any branch of the Bank. Union has further alleged that in terms of the Awards of this Tribunal in Reference Numbers 57 of 1978, 48 of 1979 and 90 of 1980 the Bank had absorbed 71 persons who had worked contemporaneously with the concerned persons. The union has accordingly challenged the action of the management in not absorbing them as discriminatory and unjustified. The union has further alleged that at the time of the appointment of the concerned persons in the Bank, they were selected upon compliance of all formalities re-

quired for such appointment. Thus, they have acquired legitimate right for absorption and the condition of service in the banking industry prescribes their absorption permanently. The union also alleged that they do not require to be tested and interviewed again by way of a written test. The union thus submitted that the written test and selection thereby is not the consideration as mentioned in the schedule of reference. The union has further alleged that the concerned persons having already been appointed and they having worked in various branches to the satisfaction of the management they are eligible to be confirmed as full-time sub-staff of the Bank. The Bank, however, instead of regularising their employment, terminated their services illegally and unjustifiedly. The union accordingly prayed for absorption of the 38 persons whose names appear in the annexure to the schedule of reference as full-time subordinate staff of the Bank and pay them full wages, remuneration and other benefits and to effect their posting from the date of their first appointment in the Bank and also to give arrears wages for the period to those employees who were debarred from performing their duties in the Bank due to their illegal termination of services. The union also prayed for payment of bonus, protection of seniority and also other reliefs which may be due to them.

4. The management in its written statement denied the allegations made by the union in its written statement. The management raised preliminary objections regarding the maintainability of the reference in as much as some of the persons concerned in the order of reference filed a writ application before Hon'ble High Court at Calcutta and since that matter was pending, a parallel proceeding before this Tribunal should not be entertained and that the present dispute is not an industrial dispute. Management also challenged the jurisdiction of the union to sponsor the case of these concerned persons.

5. On merit, the Bank's case is that the head office of the Bank of India issued a circular dated 24-10-83 by which it invited applications from those 'badly' subordinate staff whose names were not sponsored by the Employment Exchange and who had worked for 90 or more days but less than 240 days as on 16-1-84 for the purpose of holding a written test on 26-2-84. In response to that circular 22 persons concerned in this reference submitted their application to the Branch Managers. These applications were duly considered. Annexure-A to the written statement contains the names of the persons who responded to the circular by filing their applications. 16 persons did not at all apply. Names of these 16 persons have been mentioned in Annexure-B to the written statement. Out of the 22 persons, 13 persons were considered eligible for the test and accordingly they were called for written test held on 24-2-1984. Annexure-C of the written statement is the list of these 13 persons who were called for in the written test. Out of the 13 persons who were called to appear in the written test only 6 persons appeared in the examination held on 26-2-84. The names of these 6 persons appear in Annexure-E of the written statement. The remaining 7 persons who did not appear in the written test have been named in Annexure-F of the written statement. On 3-5-1984 Sandip Dev and 19 others who were not called for the written test filed a written petition before

the Hon'ble Calcutta High Court being C.O. No. 9371 (W) of 1984 challenging the written test held on 26-2-1984. On 12-8-1986 the Hon'ble High Court at Calcutta passed an order cancelling the test held by the Bank on 26-2-1984 and directed the bank authorities to hold a fresh examination for empanelment of subordinate staff. It was further directed in the said order of the High Court that the petitioners of that writ petition shall be at liberty to sit in the said examination along with the candidates who earlier appeared in the examination held on 26-2-1984. In terms of the orders of the Hon'ble High Court a fresh written test was held on 9-11-1986 by calling all the persons who appeared in the written test held on 26-2-1984 and 20 writ petitioners. 14 persons whose names appear in the order of reference were also called in the written test along with others. Out of 14 persons, only 4 appeared and only one of them qualified in the test. It is further alleged that out of 38 persons named in the order of reference, 16 of them filed writ petition before the Hon'ble High Court and that writ petition is still pending for disposal. A separate writ petition was also filed by one Biren Kumar Paul. The Bank accordingly alleged that every opportunity was given to the concerned persons and that since most of them filed writ petition, parallel proceeding in this Tribunal should not be entertained. Regarding the allegations that in some reference cases the workmen concerned in those references were absorbed, the Bank has alleged that those disputes having been settled by way of settlement, reference of those disputes is unjustified and uncalled for. The Bank also denied that there are plenty of vacancies and that the concerned persons were engaged after adopting proper norms of selection. It is alleged that the concerned persons worked mostly against leave vacancies and did not work continuously and thus they become merely casual workers. The Bank also denied the allegations about the number of days' work performed by the concerned persons. Regarding their deployment, the Bank has alleged that their deployment was purely casual in nature and cessation of employment was consequent upon the completion of the period of work for which the concerned persons were deployed. The Bank has accordingly alleged that there being no basis behind the claim for absorption in respect of the concerned persons, their claim for absorption and the consequent relief Union's prayer should be rejected.

6. In its rejoinder, the union has alleged that some of the persons under reference were party in another writ petition before the Hon'ble High Court and they subsequently withdrew their application from the Hon'ble High Court. The rest of the allegations in the rejoinder are merely repetition of the case made out by the union in its written statement.

7. Heard the representatives of the union and the management.

8. It appears from the record that a preliminary objection was raised by the management regarding the authority of the president of the union who signed the written statement on behalf of the union. Both parties examined witnesses in the said matter. The matter was finally concluded by the order of this Tribunal dated 18-5-1989 by which the management's conten-

tions were rejected. No other point was taken in the preliminary objection.

9. In so far as the merit of the case is concerned, it appears that the parties have examined some witnesses and produced large number of documents in support of their respective cases. Regarding the witnesses examined by the union, I find that it examined as many as 17 witnesses, while one witness was examined on behalf of the management. The witnesses examined on behalf of the union are some of the concerned persons, while the management examined an officer of the Bank of India who work in the Personnel Department of its Zonal Office. The documents produced by the parties are mainly in respect of the management of the concerned persons, period of their work, applications for sitting in the examination held by the Bank and some decisions of the Courts.

10. It is hardly of any use to go into the detailed discussion of the evidence adduced by the parties because the facts of the case are more or less admitted. It is an undisputed fact that the concerned persons had worked in the Bank for some period of time and their services under the Bank were terminated. It is not also denied that the Bank arranged for holding a written test for empanelment of candidates for appointment as subordinate staff of the Bank in 1984 and that examination was cancelled by the Hon'ble High Court and a fresh test was ordered. It is also an admitted fact that the Bank complied with the direction of the Hon'ble High Court and held the test and appointed one of the 38 concerned persons who qualified himself in the said examination.

11. In the back-drop of the aforesaid admitted facts, the schedule of reference, namely, whether the management was justified in not allowing these concerned 38 persons to appear in the written test and selection for the purpose of absorption in the bank's service is to be considered.

12. Mr. D. P. Roy, representative of the union submitted that as per Sastri Award the Bank had no authority to hold an examination as done by them as the concerned persons were duly appointed in the Bank's service on their engagement by the Bank. He further submitted that before their engagement all the norms and procedures required for such appointment were duly complied with and accordingly no fresh test could be held for their absorption. He further contended that as per Sastri Award the workmen having been classified in four classes, namely, temporary, permanent, probationer and part-time worker, no further increase in the classification of the workmen in the shape of casual worker or 'badly' worker can be made.

13. Upon careful consideration of the submissions of Mr. Roy, representative of the union, I find that the main contention of the union is not so much as to challenge the management's alleged denial of giving of opportunity to the concerned persons to appear in the written test, but the right of the Bank to hold such examination itself is challenged. In paragraph 20 of the written statement of the union this contention was clearly stated. It is stated there that "written test and selection thereby is not the consideration here as mentioned in the schedule". Mr. Roy's contention,

According to me, suffers from a serious misconception. The Tribunal being bound by the order of reference as detailed in the schedule of the said reference, cannot enlarge the scope of reference under any circumstances and cannot give its verdict in respect of any matter which is extraneous to the schedule of reference. It is therefore not open to this Tribunal to consider Mr. Roy's contention whether the Bank was justified in holding the examination for preparation of panel of candidates for appointment of subordinate staff. This Tribunal also cannot give its opinion in this reference about whether the Bank was justified in not absorbing them as absorption is a necessary concomitant of any appointment, whether temporary or casual.

14. The short question for consideration, therefore, in this reference is whether the Bank was justified in not allowing these 38 persons to appear in the written test. I have already stated that there is no dispute that the Bank issued a circular dated 24-10-1983 inviting 'badly' sub-staffs to apply for empanelment for appointment of sub-staff. There is no dispute that out of 38 concerned persons, only 22 applied for the same. It is not also disputed, as stated by MW-1, G. C. Biswas that the management found 13 persons eligible for appearing in the written test and directed them to appear in the said test. It is also not disputed that out of them only 6 set for examination and 3 of them were found eligible for empanelment. I have already stated that that examination was cancelled by the order of the Hon'ble High Court at Calcutta in Writ Petition Number 878 of 1986. The Bank having been directed to hold a fresh examination by the High Court by allowing the petitioners of that writ petition and those candidates who sat in the examination and the Bank having complied with that order, it is not for this Tribunal to vary or modify the order to any extent. Mr. D. P. Roy submitted that it was the duty of the Bank to give notice to all the 38 persons concerned for appearing in the examination. The Bank could have done that under the pain of facing a contempt of Court proceeding. It is true that the Bank not only complied with the said order of the High Court but also issued notice upon seven other concerned persons who were initially directed to appear in the examination even though they did not sit in the first examination.

15. Mr. Roy, representative of the union also challenged the circular dated 24-10-1983 by which the Bank initially announced the test to be held by it for preparation of the panel of sub-staff on the ground that the Zonal Manager of the Bank was not authorised to do so. Apart from the fact that the union cannot challenge this circular as 22 of the concerned persons admittedly applied for undergoing the test, the very basis of this reference being the examination to be conducted by the Bank on the basis of the circular, Mr. Roy's contention in this matter cannot be accepted. If the circular was wrongly issued, the question of holding examination for preparation of the panel for appointment as subordinate staff in the circular would not have arisen. The management of the Bank after issuing the circular and having held the examination properly in terms of the order of the

Hon'ble High Court and out of 13 of these concerned persons, only three having appeared in the examination held for the purpose and one of them having been found to be suitable for absorption, no reason can be said to have been shown for cancellation of the examination. The test is to be upheld not only because it is held under the order of the Hon'ble High Court but also it was held after giving all the concerned persons opportunity to appear in the said examination. If some of the concerned persons did not apply for appearance in the examination initially or if some of them were found to have not complied with the norms laid down in the circular for empanelment and if some of them did not avail themselves of the opportunity to appear in the examination in spite of the permission of the Bank authority to appear in the same, it cannot be said that opportunity was not given to the concerned persons to appear in the test. Hon'ble High Court restricted the opportunity of appearance to those of the concerned persons who actually sat in the said examination.

16. So, in view of what goes above, I am to hold that it is not correct to say that the management did not offer any opportunity to the concerned 38 persons to appear in the written test and selection for the purpose of absorption in the Bank's service. The question of not giving a chance to those persons to take the written test and selection for the purpose of absorption accordingly cannot arise.

17. In the above view of the matter, no question of giving any relief to the concerned 38 persons can arise.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta, the 8th July, 1998

नई दिल्ली, 28 जुलाई, 1998

का.आ. 1629 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यनाइटेड बैंक ऑफ इंडिया के प्रबन्ध तंत्र के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रस्तावित करती है, जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[सं. एन-12012/5/92-आई.आर. (बी-II)]

सनानन, डेस्क अधिकारी

New Delhi, the 28th July, 1998

S.O. 1629.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 27-7-1998.

[No. L-12012/5/92-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA20-B, Abdul Hamid Street,
First Floor,
Calcutta-700069.

Reference No. 23/92/1386

Dated, the 30th December, 1997

To
The Secretary to the Govt. of India,
Ministry of Labour,
Shram Shakti Bhawan,
New Delhi-110001.

Sub : Reference No. 23 of 1992

Employers in relation to the management of United
Bank of India and their workman.

Sir,

Under Section 15 of the Industrial Disputes Act, 1947 I submit herewith my 'Award' in the above mentioned matter which was sent to this Tribunal for adjudication by the Government of India, Ministry of Labour, vide Order No. 1-12012/5 92-IR (B-II) dated 30-4-1992 alongwith 5 (five) copies thereof for appropriate action.

Kindly acknowledge receipt.

Yours faithfully,

A. K. CHAKRAVARTY, Presiding Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

AT CALCUTTA

Reference No. 23 of 1992

PARTIES :

Employers in relation to the management of United Bank
of India

AND

Their workman.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCES :

On behalf of Management—Mr. R. N. Mazumdar,
Advocate.

On behalf of Workman—Mr. M. K. Roy, Advocate.

STATE : West Bengal

INDUSTRY : Banking

AWARD

By Order No. L-12012/5 92-IR (B-II) dated 30-4-1992 the Central Government in exercise of its powers under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of United Bank of India in dismissing Shri Ajit Kumar Dey from service is justified? If not, what relief the workman is entitled to?"

2. The facts of the case may be briefly stated as follows :

The concerned workman Shri Ajit Kumar Dey was working as a Special Assistant at Gobardanga Branch of the United Bank of India. He was served with a chargesheet on 19th March, 1987. It was subsequently amended by letter No. R/O 24 Pgs. (N)/Admn./R-529/89 dated 11th February, 1989 containing the following charges :

2086 GI/98—15.

"(1) On 2-9-86, you allowed an withdrawal of Rs. 6000 (Rupees Six thousand only) in SB A/c. No. 403 of Smt. Saila Bala Das without production of Saving Bank Pass Book. There was no letter of request from Smt. Saila Bala Das to allow such withdrawal without Pass Book. You did not refer the matter to the Dy Manager or other Officer for formal permission to allow such withdrawal from the account holder.

(2) You have issued token No. 2 against the withdrawal slip yourself without getting it done by the concerned clerk attached with the job of issuing token etc.

(3) You passed the withdrawal slip for payment and put your initial in the ledger entry and collected the payment on behalf of the A/c holder without any authorisation from the A/c holder.

It has been further alleged against you—

(4) That one S.B. A/c No. 13236 in the name of Sri Krishna Ranjan Mukherjee jointly with his daughter Smt. Annapurna Mukherjee who is alleged to be your landlord was opened under your introduction on 4-3-85 at our Gobordanga Branch.

(5) On 17-2-86 one withdrawal of Rs. 15,000 and on 26-2-86 another withdrawal of Rs. 5,000 totalling Rs. 20,000 were made from the said SB A/c. No. 13236 by way of withdrawal slips which were filled up and written by you and both the said withdrawal slips bore the signature of drawer as "A. Mukherjee." Further both the said withdrawal slips were released from the ledger and passed for payment by you despite the signatures on the withdrawal slips did not tally with the signature of either of the joint account holders as recorded with the branch in connection with SB A/c. No. 13236.

(6) It further reveals that on 13-6-86 you had made fictitious entries in the pass book of the said account in connection with posting of the half yearly interest showing the amount of interest as Rs. 508 and the balance as Rs. 29,663.60 while the actual interest calculated and posted by the ledger keeper for the said period in the said account was Rs. 168.45 and total balance in the account as Rs. 324.05 only. It, therefore, transpires that you have deliberately inflated the interest figure by Rs. 339.55 and the total balance figure by Rs. 20,339.55 for the said period with an ulterior motive to conceal your fraudulent acts of withdrawal of Rs. 20,000 from the said account as stated hereinabove and to make an eye wash to the account holder.

(7) Thus by your said acts you had committed fraudulent misappropriation of the Bank's money amounting to Rs. 20,000 for your personal gain and purpose thereby causing financial loss to the Bank and as such alleged acts on your part are prejudicial to the interest of the Bank constituting acts of gross misconduct as per provisions of the Bipartite Settlement.

From the facts and circumstances, as stated above you are, therefore, charged to have committed the following acts of gross misconduct within the meaning of Clause 19.5(j) of the Bipartite Settlement dated 19-10-1966.

"DOING AN ACT PREJUDICIAL TO THE INTEREST OF THE BANK"

Despite several opportunities being offered to the workman concerned no explanation to the said charge sheet was submitted by him and accordingly a departmental enquiry was directed to be held in respect of the said charge-sheet. Shri Madhab Chandra Chatterjee, the then Deputy Regional Manager, 24 Pgs. (North) was appointed as Enquiry Officer to enquire into the charges levelled against the workman concerned in the chargesheet dated 19 March, 1987. The enquiry was held on different dates. In spite of repeated opportunities being offered to the concerned workman to participate in the said proceedings, he preferred not to attend

such proceeding for which the proceeding was held *ex parte*. The Enquiry Officer submitted his report finding the concerned workman guilty of the charges levelled against him. The Regional Manager of the Bank who was the disciplinary authority in relation to the concerned workman thereafter issued notice upon the workman for making his representation in the matter of punishment. The concerned workman as usual neither appeared in person nor made any representation. Finally, in reply to the notice dated 22nd August, 1990 issued by the disciplinary authority the concerned workman by his letter dated 15 September, 1990 made written representation with regard to the proposed punishment. Thereafter, upon consideration of the report of the enquiry proceeding alongwith all connected papers and the past record of the workman concerned, the disciplinary authority came to the conclusion that the proposed punishment of dismissal was proper and accordingly issued the order of dismissal from service of the workman concerned with effect from 8 June, 1990.

3. In the written statement filed by the workman it is alleged that the disciplinary authority illegally suspended him in the interest of investigation and started departmental proceeding illegally against him. He challenged the disciplinary proceeding on the grounds that the Regional Manager was not the validly appointed disciplinary authority and the starting of a departmental proceeding for a *prima facie* offence without taking necessary steps for criminal prosecution is not in accordance with the bipartite settlement. He further alleged that the conduct and continuous of the departmental proceeding offended the principles of natural justice and that the venue of the domestic enquiry ought to have been shifted to Calcutta. The merit of the disciplinary proceeding was also challenged on the ground that the witnesses who proved the charges are all 'accomplices' and that the disciplinary authority failed to make any independent valuation of the recorded evidence. The workman accordingly prayed for declaration of the proceeding as void *ab initio* and for quashing the dismissal order and direction for his reinstatement with back wages and other benefits.

4. The management in its written statement denied the allegations of the workman. Its case is that the workman having been found guilty of gross misconduct, the chargesheet was properly issued against him and that he having not submitted any explanation to the chargesheet an enquiry was held by the competent officer, who held such enquiry properly. The concerned workman was given adequate opportunity to defend himself in the said enquiry proceeding but he did not avail himself of such opportunities. The Enquiry Officer therefore had no other alternative but to hold such proceeding *ex parte* against him and upon due consideration of the evidence on record the Enquiry Officer found him guilty of the charges levelled against him. The disciplinary authority, therefore being *prima facie* satisfied about the commission of the offence on the basis of the enquiry report and other relevant documents informed the workman to appear personally or make representation against the proposed punishment, but after number of defaults to make such representation the workman finally submitted his representation almost admitting his guilt in the said representation by his prayer for inflicting any punishment other than dismissal. The disciplinary authority thereafter upon consideration of the gravity of the misconduct as per enquiry report alongwith other documents and upon consideration of the past record of the workman directed his dismissal from service. The management has accordingly prayed for dismissal of the claim of the workman.

5. Heard Mr. Mazumdar, learned Advocate appearing for the management and Mr. M. K. Roy, learned Advocate appearing for the workman.

6. It appears that by order dated 1st October 1996 this Tribunal disposed of all the questions relating to the validity of the domestic enquiry upon examination of the witnesses of the enquiry and examination of documents on record. All the questions regarding the validity of the enquiry proceeding were raised and considered by this Tribunal and in the last three paragraphs of the order this Tribunal disposed of the matter in the following manner:—

"15. After going through the entire record of enquiry, the relevant provisions of the Settlements, the written statements of the parties and the evidence led, I am of the clear view and hold that adequate

opportunities had been given to the workman to defend his case in accordance with the principle of natural justice and there was nothing to show any unfairness in the trial.

16. In this view of the finding since Section 11-A of the Industrial Disputes Act, 1947 as amended is not attracted, there is no question of permitting the management to lead any evidence in proof of their bonafide in their action.

17. The case accordingly will be called on 26-12-1996 at 11.00 A.M. for hearing the parties on the merits of the case."

7. Mr. M. K. Roy, learned Advocate appearing for the workman filed an application dated 3rd October, 1996 praying for early disposal of the case and also challenging the validity of the domestic enquiry and for supply of certified copy of the order sheet to him. Certified copy of the order sheet has already been supplied. His other prayers in the application are concerned with the merit of the reference, which will be disposed of by this Award.

8. I have already stated that my learned predecessor by his order dated 1-10-1996 disposed of all question raised by the parties relating to the validity of the domestic enquiry. Mr. Roy, learned Advocate appearing for the workman again wanted this Tribunal to consider all the questions regarding validity of the domestic enquiry at this stage of the trial. According to Mr. Roy the workman can re-agitate the question of the validity of the domestic enquiry since the Tribunal is hearing the matter on merit. I failed to find any logic in this argument of Mr. Roy. The Tribunal having decided the question of validity of the domestic enquiry, no further finding in respect of this matter is called for.

9. The only point for consideration, as it will appear from the order of my learned predecessor, is about the quantum of punishment inflicted upon the concerned workman under the proviso to Section 11-A of the Industrial Disputes Act, 1947. There cannot be any doubt that wide powers have been conferred by Section 11-A of the Industrial Disputes Act, 1947 upon the Industrial Tribunals for cancellation or modification of the orders of punishment awarded by the disciplinary authority in suitable cases. It is a fundamental principle of justice that punishment should be commensurate with the guilt. In the case of workmen of T. Tea Estate v/s. Management of T. Tea Estate and Ors., reported in 1978 (II) LLJ 491 it was held by the Gauhati High Court, while considering limitation of the exercise of this power by the Tribunal that "No leeters have been placed on the direction of the adjudication authorities under this section, but the discretion must be exercised in good faith having regard to all relevant consideration and must not seek to promote purposes alien to the letter or the spirit of the legislation that has given it power to act and must not act arbitrarily or capriciously."

10. In the instant case article of charges have been proved beyond doubt and such charges having been proved on the basis of the materials on record alongwith the indirect admission of the guilt and this Tribunal having found that adequate opportunities have been given to the workman to defend his case in accordance with the principles of natural justice and there being nothing to show any unfairness in conducting the enquiry proceeding the question is whether the gravity of the offences committed by the workman recommend drastic punishment of dismissal from service, as it was done in this case.

11. Number of decisions were cited by Mr. Mazumdar, learned Advocate appearing for the management in support of his contention that the punishment awarded was commensurate with the offences committed by the workman. There cannot be any doubt that the offences as committed by the workman are very grave and serious in nature. The gravity and seriousness of the offence is multiplied thousand folds when such offence of misappropriation, deceit and fraudulent acts are committed by an employee of any Bank. The Supreme Court in the decision reported in 1997 SCC (I and S) 1241 (Tara Chand Vyas v. Chairman and Disciplinary Authority and Ors.) held that the employees and officers working in the nationalised Bank are not merely the trustees of the society but also bear responsibility and owe duty to the society for effectuation of socio-economic

improvement. It was further held in the said decision that "..... Corruption has taken deep roots among the sections of the society and the employees holding public office or responsibility equally became amenable to corrupt conduct in the discharge of their official duty for illegal gratification. The banking business and services are also vitally affected by the catastrophic corruption. Disciplinary measures should, therefore, aim to eradicate the corrupt proclivity of conduct on the part of the employees/offices in the public offices including those in the banks. It would, therefore, be necessary to consider, from this perspective, the need for disciplinary action to eradicate corruption to properly channelise the use of public funds, the live wire for effectuation of socio-economic justice in order to achieve the constitutional goals set down in the preamble and to see that correct conduct of the officers does not degenerate the efficiency of service leading to denationalisation of the banking system. What is more, the nationalisation of the banking service was done in the public interest. Every employee/officer in the Bank should strive to see that banking operations or services are rendered in the best interest of the system and the society so as to effectuate the object of nationalisation. Any conduct that damages, destroys, defeats or tends to defeat the said purposes resultantly defeats or tends to defeat the constitutional objectives which can be meted out with disciplinary action in accordance with rules lost rectitude in public service is lost and service becomes means and source of unjust enrichment at the cost of the society."

12. If the punishment of dismissal awarded by the disciplinary authority is considered in the context of the position of law referred to above, the concerned workman cannot be entitled to any lesser punishment than dismissal. On facts also a person committing repeated acts of misappropriation and fraudulent transactions cannot inspire any trust to the authorities and the public dealing with the bank and there being no guarantee that such heinous acts, which are shocking to the conscience, shall not be repeated in future that the Bank authorities exercised its discretion wisely and properly in dismissing the workman from service. I accordingly find no reason to interfere with the said order of dismissal.

13. In view of what goes above, the issue under reference must be answered in the negative and the workman shall not be entitled to any relief.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Dated, Calcutta,
the 29th December, 1997.

नई दिल्ली, 28 जुलाई, 1998

का.भा. 1630 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-98 को प्राप्त हुआ था।

[सं. अल-12011/28/92-आई.आर.बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 28th July, 1998

S.O. 1630.—In pursuance of Section 17 of the Industrial disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management

of Indian Bank and their workman, which was received by the Central Government on 27-7-98.

[No. L-12011/28/92-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 47 of 1992

PARTIES :

Employers in relation to the management of Indian Bank

AND

Their workmen

PRESENT :

Mr. Justice A. K. Chakravarty—Presiding Officer.

APPEARANCE :

On behalf of Management.—Mr. D. K. Ghosh, Advocate with Mr. P. Pathak, Advocate and Mr. R. De, Advocate.

On behalf of Workmen.—Mr. P. S. Sengupta, Advocate with Mrs. T. Dasgupta, Advocate.

STATE : West Bengal. INDUSTRY : Banking.

AWARD

By Order No. L-12011/28/92-IRB.II dated 27-7-1992 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the demand of All Bank Canteen Employees Union (Calcutta) that canteen staff, employed by the canteen at the premises of Indian Bank, should be given regular appointment in the service of the Bank with minimum salary payable to regular employees of the Bank, is justified? If not, to what relief are the workmen concerned entitled?"

2. When the case is called out today, learned Advocate for the parties are present and ready for hearing. One witness is examined on behalf of the union and certain documents have been produced and marked exhibits. Mr. Ghosh, learned Advocate for the management declines to cross-examine the witness. He also does not want to examine any witness on behalf of the management. Evidence part of the case is accordingly closed.

3. It is submitted by Mr. Sengupta, learned Advocate for the union that the exhibits filed in this case will show that there is really no serious dispute between the parties and an application was filed on behalf of the union for disposal of the case by passing an Award in terms of Annexure-B to the said application filed before this Tribunal. As a matter of fact, the witness examined on behalf of the union deposed

before this Tribunal that the parties have been corresponding with each other and finally the union succeeded in convincing the management that the need not be fought out in the Tribunal and the union shall be satisfied if an Award is passed as per terms and conditions set forth in Annexure-B (Ext. W-2) of the application dated 30-6-1998 filed by the union. Mr. Sengupta also contended that an Award be passed as per terms and conditions laid down in Annexure-B (Ext. W-2) of the said application.

4. Mr. Ghosh, learned Advocate for the management raises no objection to the prayer made by Mr. Sengupta, learned Advocate for the union, regarding the passing of the Award as per terms and conditions of Annexure-B (Ext. W-2) of the said application.

5. I have carefully gone through the terms and conditions of Annexure-B (Ext. W-2) of the said application and I find that they are legal and fair and may be recorded.

6. In the aforesaid circumstances, an Award is passed in terms of Annexure-B (Ext. W-1) of the petition of the union dated 30-6-1998 and the reference is disposed of accordingly. The said annexure is made part of the Award as Annexure A.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 13th July, 1998.

ANNEXURE—A

TERMS

- (a) 91 Canteen Boys as per list annexed hereto will be included in the panel of temporary sub-staff as one time measure as per norms prescribed in Co-Personnel Department's Circular No. 24/83 dated 08-03-1983 with relaxation in respect of upper age limit which will be 40 years. They will be absorbed in permanent capacity as and when vacancy arises and no appointment shall be made in the category of sub-staff from outside this panel till the panel is exhausted and the panel shall remain alive till all the persons named in the list are absorbed against permanent vacancies. The above 91 Canteen boys shall be placed in the panel of temporary sub-staffs and shall be absorbed against permanent vacancies in the same order in which their names appear in the list annexed hereto. While giving regular appointment in the services of the Bank, the employees would be fixed at the minimum salary to the equal rank in Bank. On such inclusion in the panel of temporary sub staff the said 91 Canteen Boys will not have any claim on the Bank pertaining to absorption outside the terms herein contained.
- (b) Indian Bank Employees' Union (W.B.) and all Bank Canteen Employees' union agrees for closure of the Canteen wherever functioning all over the Calcutta zone
- (c) As a special case and subject to conditions set out hereinbelow the Bank will allow Canteen to function at the following places in Calcutta :
 - (i) Zonal Office, Calcutta
 - (ii) Calcutta Main Branch
 - (iii) Stridard Road, Branch
 - (iv) Burabazar Branch
 - (v) Red Cross Place Branch
 - (vi) G. C. Avenue Branch
 - (vii) Russel Street Branch.
- (d) The modality for running the Canteen will be on the following terms and conditions :
 - (i) The Canteen subsidy administration committees will be totally abolished from all branches/offices in Calcutta Zone.
 - (ii) The subsidy given by the Bank @Rs. 3 per day per employee on actual number of days worked will be given to individual employees, only.
 - (iii) Under no circumstances, the Bank will have any correlation with the wages and allowances of the persons deployed by the committees be so formed by the staff.
 - (iv) The Bank will not in any way associate itself with the nature and Character of canteens and/or the management thereof.
 - (v) The Bank will not ordinarily/normally allow the Canteen within its premises. Wherever the Bank at its sole discretion may permit the Canteen to function from its premises, the Bank will levy charges/fees for such use.
 - (vi) The bank shall not be in any way connected with providing, maintaining, supervising and controlling the services rendered by the canteens.
 - (vii) The Bank will take no responsibility to provide, maintain, repair furniture and utensils and any other associate required for running the Canteens.
 - (viii) The Bank will not be associated with the selection or placement of personnel deployed by the committee nor it will have any role or responsibility to organising the Canteen Committee.
 - (ix) The Bank shall not be associated regarding the prices of the items served, place of cooking, hours during which and place where they should be served.
 - (x) The Bank shall not in any way be connected with controlling the hours during the counter and floor service to be made available to the employees of the Canteen.

- (xi) The Bank will not have any obligation and any interest in providing infrastructure for running the Canteen.
- (xii) Any dispute between the Committee responsible for running the Canteen and the persons to be deployed by the Committee should not be referred to the Bank and even if referred, the Bank reserves the right to completely ignore the same without reference to any Committee/individual/employee(s)/Union-Association. In other words the Bank shall not in any way be associated or shall not take any active interest in getting any disputes resolved connected with the Canteen affairs.
- (xiii) The Bank will never a party to any settlement between the committee responsible for running the Canteen and the persons to be deployed by the committee. The Bank shall not have any obligation, explicit or implicit, to provide canteen or to run connected with the canteen affairs.
- (xiv) The Bank will not enter into any correspondence with the persons deployed in the Canteen and any correspondence entered into by any officer/ employee of the Bank with the Personnel in the Canteen shall not have any binding on the Bank.
- (xx) The case No. 47/92 pending before the Industrial Tribunal shall stand disposed of accordingly.

LIST OF 21 CANTEEN BOYS OF CALCUTTA ZONE

Sl. No.	Name	Branch
1.	Sri Gaur Das	Cal. Main
2.	Sri Sridam Mandal	G.C. Avenue
3.	Sri Swapan Biswas	Dharmatolla
4.	Sri Dilip Kumar Sardar	Oo/Calcutta
5.	Sri Sukumar Roy	Bhownipur
6.	Sri Sankar Naskar	Garihat
7.	Sri Nitai Das	Cal. Main
8.	Sri Sankar Samanta	Strand Road
9.	Sri Dhiren Sil	G.C. Avenue
10.	Sri Tapas Pal	V.K. Road
11.	Smt. Tulsi Das	Ballygaunje
12.	Sri P.G. Ghose	Burrabazar
13.	Sri Provas Biswas	Jodhpur Park
14.	Sri Pradip Dey	Howrah
15.	Md. Shakil	Kidderpore
16.	Smt. Basanti Debnath	S.B. Road
17.	Sri Sadananda Basu	S.B. Road
18.	Sri Swapan Maity	Strand Road
19.	Sri Swapan Dey	Tollygaunge
20.	Sri U.S. Roy	Hide Road
21.	Sri Biswanath Mandal	Russel Street
22.	Sri Bhabananda Gharami	Zo/Calcutta
23.	Smt. Bela Sil	Ro/Calcutta
24.	Smt. Arati Das	Alipur Branch
25.	Sri Subhash Payar	Calcutta Main
26.	Sri Dilip Das	B.T. Road
27.	Smt. Seema Roy	R.C. Place
28.	Sri Sushil Paul	C.R. Avenue
29.	Sri Paresh Nandy	Liluah
30.	Sri B.N. Mahato	K.K. Tagore Street
31.	Sri Manash Mishra	R.C. Place
32.	Sri Sibrum Banerjee	Manicktola
33.	Sri A. Sahoo	Shyam Bazar
34.	Sri Nepal Kumar Mitra	Service Branch/Calcutta
35.	Sri T. Mukherjee	Burabazar

1	2	3
36.	Sri Arup Dey	Shibpua
37.	Sri Sunil Doloi	Shibpur
38.	Smt. Reba Das	Southern Avenue
39.	Sri Biswajit Halder	Rabeendra Sarani
40.	Sri Ganesh Gayen	Tollygaunge
41.	Smt. Gauri Debi	Calcutta Main
42.	Sri Prashanta Debnath	Russel Street
43.	Sri Basudeb Koner	Burdwan
44.	Sri Rakhahari Dutta	Burdwan
45.	Sri Rajendra Nath Singh	Southern Avenue
46.	Sri Sunil Mandal	Asansole
47.	Sri Mrinal Kanti Sahu	Bankura
48.	Sri Ashoke Rana	Calcutta Main
49.	Sri Tapan Kumar Mhatma	Shyambazar
50.	Sri Soumitra Rakshit	Chinsurah
51.	Sri Rabi Das	Zonal Office/Calcutta
52.	Sri Pradip Saha	G.C. Avenue
53.	Sri Trilochan Sahoo	G.C. Avenue
54.	Smt. Swaraswati Baidyakar	Ranigaunge
55.	Smt. Minati Garai	Durgapur
56.	Sri Nimai Goswami	Central Avenue
57.	Sri Badal Pandit	Siliguri
58.	Sri Gautam Das	Siliguri
59.	Sri Ranjit Kumar Sarkar	Malda
60.	Smt. Manu Lepcha	Darjeeling
61.	Sri Akhya Sahu	Ro/Bhubaneswar
62.	Sri Dibakar Padhi	Bhubaneswar
63.	Sri Dilip Kumar Patra	Cuttack
64.	Sri Parikshit Nanda	Puri
65.	Sri Gauranga Chandra Nath	Bhubaneswar
66.	Sri Prabhat Kumar Barik	Brahmansailo
67.	Sri Bijoy Kumar Ash	Krushnaprasad
68.	Sri Niranjana Behera	Niali
69.	Sri Dilip Kumar	Kussyra
70.	Sri Rajesh Kumar Verma	Ranchi
71.	Sri Bimal Kumar	Darbhanga
72.	Sri Krishna Shatma	Sarsuna
73.	Sri Prabhu Ram	Patna City
74.	Sri Parsu Ram Singh	Mor
75.	Sri Bharat Ram Mandal	Dhanbad
76.	Md. Rashid Akhtar	Bhagalpur
77.	Sri Arun Kumar	RO/Patna
78.	Sri Basanta Das	RO/Guwahati
79.	Sri Pawan Chandra Das	Guwahati
80.	Sri Anil Saikia	Jorhat
81.	Sri Hema Chandra Baruah	Jorhat
82.	Sri Phiram Saru	Digboi
83.	Sri Pradip Gogoi	North Lakhimpur
84.	Sri Dilip Haridas	Silchar
85.	Sri Nakul Das	ZTC/Guwahati
86.	Sri Molin Rabha	Bongaingaon
87.	Sri Pradyut Das	Dibrugarh
88.	Sri Deokan Chetia	Sibsagar
89.	Sri S.P. Adhikary	Tinsukia
90.	Sri Santosh Kumar Nath	Nowgong
91.	Sri Surat Singh Mizar	Shillong

नई दिल्ली, 29 जुलाई, 1998

to what relief the said workman is entitled?"

का.आ. 1631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक, के प्रबन्धसमूह के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में श्रम मंत्रालय मैंगलोर, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[सं. एल-12012/448/95-आई.आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S. O. 1631.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Mangalore as shown in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 28-7-1998.

[No. L-12012/448/95-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
LABOUR COURT, MANGALORE
Reference ID (LCM) No. 7 of 1997

Dated the 20th day of June, 1998

PRESENT: :

Shri Abdul Rasheed Siddiqui,
B.A., LL.B.
District & Sessions Judge,
OOD, Presiding Officer,
Labour Court, Mangalore.

I PARTY

The Regional President,
All India Vijaya Bank-
Employees Union (INTUC),
Mangalore.

II PARTY

The Chief Manager,
Vijaya Bank,
Mangalore.

ORDER

A xerox copy of the Reference No. L-12012/448/95/IR (B-II), dated 4-3-1997 from the Government of India, which was addressed to the Presiding Officer, Industrial Tribunal, Mangalore was received by this Court to decide the point under schedule as under:—

"Whether the action of the Management of Vijaya Bank in transferring Sri Dinakar Rai, Regional Secretary of All India Vijaya Bank Employees Union (INTUC) without giving him notice as stipulated in the Sastry Award is legal and justified. If not,

2. Since the Reference in question ought to have been referred to Central Industrial Tribunal and appear to have been sent to this Court in advertantly this Court thought it proper to issue notice to both the parties before any decision to be taken on the point of jurisdiction. II Party namely the Management of Vijaya Bank appeared before the Court through counsel Sri. K.C.H. in response to the said notice. However, the I Party namely the President of All India Vijaya Bank Employees Union (INTUC) sent his letter stating that presently he was not interested to continue the case and the Court may drop the proceedings (the above enquiry). Therefore, since this Court has no jurisdiction to decide the point in Reference and the I Party also does not want to continue the proceedings on hand at present, the only proper order in the interest of justice, would be to close the proceedings for the time being without passing any order on the point under Reference. Hence the Reference is disposed of accordingly.

(Dictated to the Stenographer, transcribed and typed by her and corrected by me).

ABDUL RASHEED SIDDIQUI, Presiding Officer.

नई दिल्ली, 29 जुलाई, 1998

का.आ. 1632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धसमूह के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[सं. एल-12012/90/97-आई.आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S. O. 1632.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 28-7-1998.

[No. L-12012/90/97-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL, TRIBUNAL, PATNA

Reference No. 15(C) of 1997

Management of Punjab National Bank, B. Block, Patna and their workmen represented by the General Secretary, PNB Staff Union, Patna.

For the Management : Sri Saroj Sinha, Assistant Manager, Punjab National Bank, Patna.

For the Workman : Sri B. Prasad, General Secretary, Bank Employees Federation, Patna.

PRESENT :

Sri Raja Ram Singh, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 24th July, 1998

By adjudication Order No. L-12012/90/97-IR (B-II), dated 10-11-1997 the Central Government (Govt. of India) in the Ministry of Labour, New Delhi referred u/s 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter to be referred as 'the Act') the following dispute between the Management of Punjab National Bank, Patna and their workman represented by the General Secretary, Punjab National Bank Staff Union, Patna for adjudication :

"Whether the action of the Management of PNB in terminating the services of Sh. Uma Nath is legal and justified ? If not, to what relief the workman is entitled ?"

(Hereinafter Uma Nath to be referred as 'workman')

2. After receipt of the adjudication order the reference was registered and parties were directed to appearing this Tribunal. Both parties appeared and written statement of claim on behalf of the workman was filed. Copy of the written statement filed on behalf of the workman was served on the Management and the Management filed its written statement and list of witnesses and documents were filed on behalf of the workman as well as on behalf of the Management. Thereafter it was fixed for evidence. One witness was examined on behalf of the Management and one witness was examined on behalf of the workman. On behalf of the Management one document was adduced into evidence which was marked Ext. 1. On behalf of the workman also one document was adduced into evidence which was marked Ext. A. Thereafter, arguments were heard on behalf of both parties.

3. The case of the workman as mentioned in the written statement filed on his behalf may be narrated, in short, as follows :

"The workman was employed as sub-staff in Punjab National Bank, Boring Road Beigen A, Patna from 1991 and he continued to perform his job in the aforesaid capacity till February, 1996.

He was put in more than 240 days continuous service in the Bank. During the tenure of his employment the workman had been paid wages through various vouchers under various heads. The workman was discharging the following duties in the Bank :

- (i) To clean/sweep the total sweeping area of the entire Bank premises.
- (ii) He was assigned the duties of purchasing stationary for Bank use.
- (iii) Lifting of water for Branch purpose.

(iv) To carry daks and deliver the same through dak delivery register of the Bank to different offices/Banks at Patna right from the date of his appointment as sub-staff.

(v) He was assigned the duty of Part-time Sweeper frequently in place of permanent employee i.e. Part-time sweeper.

(vi) Binding of Ledgers.

(vii) Collection of BC letters through the party for Bank purpose.

Workman was paid conveyance allowance for carrying daks, collecting of B. C. letters in a routine manner. The Management had actually engaged him for the job of sub-staff (Peon) of the Bank to save money by paying only a little remuneration through various vouchers. So the workman got the demand placed before the Management through union on 24-4-1995 for regularising him as full time employee and payment of consequential benefits. The Bank Management did not evoke any response to the demand notice placed by the union so the union raised an industrial dispute before the Assistant Labour Commissioner (Central), Patna for intervention and settlement of the matter under the Industrial Disputes Act.

The Assistant Labour Commissioner Central, Patna intervened into the Matter and also got joint inspection held to know the nature of work which the workman was performing. During joint inspection it was established that the workman used to carry daks to different Banks/Offices and collect B. C. letters also for which he was paid conveyance allowances as per the Bank norms. The ALC(C) held conciliation proceedings in the matter but the conciliation failed and the matter was referred to the Labour Ministry, Government of India. Thus, the reference was made. So the prayer has been made to declare the workman full-time employee in subordinate cadre and to pay back wages and allowances at par with the regularised sub-staff scale of pay.

4. The claim of the workman has been resisted by the Management by filing a written statement on behalf of the Bank. It was alleged in the written statement on behalf of the Management that the workman was never appointed by the Bank in any capacity hence he was not a workman as defined in section 2(s) of the I.D. Act. The workman was engaged only for few days to do casual work as and when required for which he was compensated. The casual work taken from him was totally unconnected with banking industry. He was engaged only for few days intermittently to do casual work as and when required and his engagement came to an automatic end as and when the specific job period came to an end. So his disengagement cannot be termed as termination in view of specific provision of section 2(oo) (bb) of the I.D. Act. The workman never rendered 240 days of continuous service in any 12 calendar months. The union has placed reliance on the joint inspection report conducted during the pendency of the matter before the Conciliation Officer. But from the inspection report it is evident that the workman rendered 28 days in 1990, 50 days in 1991, 31 days in 1992, 92

days in 1993, 141 days in 1994 and 40 days in the year 1995. From these facts, it is evident that he was never put in 240 days of contiguous service in any 12 consecutive calendar months. He was never employed as subordinate staff from 1990 to February, 1995 as claimed, rather, he was engaged purely on casual basis to do specific job of cleaning the premises, purchase of petty items etc. Thus the claim raised on behalf of the workman has been denied on behalf of the Management.

5. Now the point for determination arises in this reference case is whether the action of the Management of Punjab National Bank in terminating the services of the workman is justified and legal.

6. M.W. 1 Om Prasad has stated in his evidence that no appointment letter was issued to Uma Nath and work was taken from him when service was required. He was paid according to the work. He has stated that the joint inspection was made by the representative of the Management and workman and the list of payment vouchers was prepared at the time of joint inspection by the representative of the Management and workman. He has proved the list of payment vouchers which is Ext. 1. He has stated that the workman never worked 240 days continuously in a calendar year. From his evidence it appears that the workman worked in the Management Bank but less than 240 days in a calendar year.

7. W.W. 1 Uma Nath has stated in his evidence that he was working in the Boring Road Branch of Punjab National Bank. He took out ledger from Almirah and to keep on the Table counter and used to perform other functions which are mentioned in details in the statement of claim filed on his behalf. He has worked from 1-1-1990 to 28-2-1995 continuously. He has stated that he was getting Rs. 10 per day but subsequently his wages was increased to Rs. 15 per day. He has stated that his wages was paid by payment vouchers by different narrations. He has stated that he worked 240 days or more continuously in a calendar year. He has stated that some times wages was paid daily and some times wages was paid after interval of one week—10 days. He has further stated that no notice or wages in lieu of notice was served or paid to him. No retrenchment compensation was paid to him. So according to the workman he was working in the Punjab National Bank as workman and was terminated on 1-3-1995 but in his statement of claim there is not even whisper of the termination. From the statement of claim it appears that he was working as a workman and claim was made for regularisation of his service as a peon in the subordinate cadre.

8. W.W. 1 was examined on 4-5-1998 prior to this W.W. 1 Uma Nath but no suggestion was given to him that services of Uma Nath was terminated by the Bank on particular date. However in the cross-examination M.W. 1 has admitted that the concerned workman was retrenched during the period of M.W. 1 but no specific suggestion was given that he was retrenched on such date. First of all workman himself as W.W. 1 stated that he was terminated on 1-3-1995. So his evidence is at variance with the pleading. So his evidence can not be looked

into. Unfortunately the case of the termination of the workman was not made in the statement of claim filed on behalf of the workman which will be treated as pleading on behalf of the workman. Under such circumstances no reliance can be placed on the evidence of W.W. 1 that he was terminated on 1-3-1995.

9. Even it be assumed that the workman was terminated on 1-3-1995 in that case also, there is no evidence that the workman during the period of 12 calendar months preceding 1-2-1996 actually worked under employer for not less than 240 days. So the workman can not be deemed to be in continuous service for a period not less than one year under employer. In this connection the workman has relied upon Ext. 1 which is payment of vouchers prepared at the time of joint inspection made by representative of the Management and workman during the conciliation proceeding Ext. 1 is not any report. It is mere list of payment of vouchers. It has been stated on behalf of the workman that his wages were paid by the payment vouchers. From this Ext. 1 it appears that some payments were made by different vouchers on the different dates. Even it be assumed that the amount was paid to the workman on different vouchers in that case also, it does not appear that it was paid wages to the workman, rather, voucher was paid in different particulars. So from Ext. 1 it can not be inferred that the payment made through the vouchers mentioned in Ext. 1 were paid to the workman as his wages. Moreover, the description made in Ext. 1 are vague. The representative on behalf of the Management submitted that from Ext. 1 it can not be said that the workman was put in 240 days of continuous service or even intermittent in any 12 consecutive calendar months. He submitted that from Ext. 1 it can be only inferred that the workman worked 38 days in 1990, 50 days in 1991, 51 days in 1992, 92 days in 1993, 141 days in 1994 and 40 days in the year 1995. The representative of the workman submitted that the amounts were paid to the workman against different vouchers as his wages and so the days of the work of the workman should be calculated on the basis of the total amount of Ext. 1 at the rate of Rs. 10 or 15 per day. This submission is mere hypothetical and cannot be accepted. So it has not been established that the workman was employed in the Bank continuously for a year under employer. So the provisions u/s 25F of the Act will not be applicable to retrenchment of the workman. Under such circumstances firstly the case of termination has not been pleaded in the pleading i.e. claim of the statement filed on behalf of the workman. Secondly the workman was not entitled to any claim u/s 25F of the Act.

10. In the result, it is difficult to hold that the action of the Management of Punjab National Bank in terminating the service of the workman Uma Nath was not legal and justified. So it is held that the action of the Management of Punjab National Bank in terminating the services of Uma Nath was legal and justified.

11. Since the action of the Management of Punjab National Bank in terminating the services of work-

man Uma Nath is legal and justified, so the workman is not entitled to any relief.

12. This is my award.

RAJA RAM SINGH, Presiding Officer.

नई दिल्ली, 29 जुलाई, 1998

का.आ. 1633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[सं. एल-12012/121/95 आई.आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1633.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 28-7-98.

[No. L-12012/121/95-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 27 of 1996

In the matter of dispute

BETWEEN

Ram Sanehi,
C/o Sanjai Saxena,
189, New Model House,
Lucknow.

AND

Assistant General Manager,
Allahabad Bank,
Hazaratganj, Lucknow.

Appearance :

Sri M. K. Verma for the Bank and Sri Sanjai Saxena for the workman.

AWARD

1. Central Government, Ministry of Labour vide Notification No. L-12012/121/95-I.R. (B-2), dated 29-2-96, has referred the following dispute for adjudication to this Tribunal—

“Whether the claim of Sri Ram Sanehi that he had worked with the management of Allahabad Bank, Lucknow as peon from April 1990 to 5-5-94 and that the management have terminated his services illegally w.e.f. 6-5-94, is justified? If so what relief is the said workman entitled to?”

2. The case of the concerned workman Ram Sanehi is that he was engaged as peon by the opposite party Allahabad Bank at Lucknow at its main branch. He continuously worked in this capacity from 1-4-90 to 6-5-94, thereafter his services were illegally terminated in breach of provisions of section 25F and 25G of I.D. Act.

3. The opposite party bank has filed reply in which it has been denied that the concerned workman had ever worked as peon.

4. In the rejoinder nothing new has been alleged.

5. In support of his case the concerned workman Ram Sanehi W.W.1 has examined himself and has narrated all the facts given in the claim statement. L. N. Singh M.W.1 senior manager of the bank has denied all the allegations including the fact that the concerned workman was ever employed by the opposite party bank. No documents have been filed.

6. It has been categorically stated by the management witness L. N. Singh that in all there were 12 permanent peons at the bank and all of them were working at the material time. In view of this statement question of employment of Ram Sanehi concerned workman as peon does not arise. Hence my finding is that the concerned workman was never engaged as peon at all hence question of his continuous working from January 1990 to 1994 does not arise. Therefore, question of breach of section 25F of I.D. Act does not arise.

7. Accordingly my award is that the concerned workman was never engaged in the employment of the bank as such his services were never discontinued and consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 जुलाई, 1998

का.आ. 1634.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[सं. एल-12012/120/95-आई.आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1634.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 28-7-98.

[No. L-12012/120/95-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-
LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 52 of 1996

In the matter of dispute :

BETWEEN :

Sri Yadunath Yadav,
C/o. Sanjai Saxena,
189 New Model House,
Lucknow.

AND

Assistant General Manager,
Allahabad Bank,
Hazaratgani,
Lucknow.

APPEARANCE :

Sri M. K. Verma—for the bank and Sri Sanjai Saxena—
for the workman.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/120/95-I.R. (B-2) dated 24-4-96, has referred the following dispute for adjudication to this Tribunal :—

Whether the claim of Sri Yadunath Yadav that he has worked with Allahabad Bank, Lucknow as peon continuously from May 1992 to 5-5-94 and that the bank management have terminated his services illegally w.e.f. 6-5-94 is correct. If so what relief is the said workman entitled to ?

2. The case of the concerned workman Yadunath Yadav is that he was engaged by the opposite party Allahabad Bank at its main branch in Lucknow as peon in May 1992 and he continuously worked upto 6-5-94. Thereafter his services were illegally terminated in breach of provisions of Section 25F of I.D. Act.

3. The opposite party bank has filed reply in which it has been denied that the concerned workman had never worked as peon in the bank.

4. In the rejoinder nothing new has been alleged.

5. The concerned workman did not adduce any evidence in support of his case, whereas management has examined L. N. Singh M.W.I who has denied that the concerned workman was ever engaged as peon in the bank. Further there was full strength of peon at this branch.

6. In view of above and in the absence of any evidence on behalf of the concerned workman. My award is that the concerned workman was never engaged in the opposite party bank as peon. Consequently question of his termination does not arise. Accordingly he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

2086 GI/98—17

नई दिल्ली, 29 जुलाई, 1998

का.आ. 1635—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[सं. एल-12012/49/95-आई.आर. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1635.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 28-7-98.

[No. L-12012/49/95-IR (B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 53 of 1996

In the matter of dispute :

BETWEEN :

Ganga Ram Yadav,
C/o. Sanjai Saxena,
189 New Model House,
Lucknow.

AND

Assistant General Manager,
Allahabad Bank,
Main Branch Hazrat Ganj,
Lucknow.

APPEARANCE :

Sri M. K. Verma—for the Management Bank Sri Sanjai Saxena—for the workman.

AWARD

1. Central Government Ministry of Labour vide notification No. L-12012/49/95/I.R. D-2 dated 30-4-96 has referred the following dispute for adjudication to this Tribunal :—

Whether the claim of Sri Ganga Ram that he had worked with the management of Allahabad Bank Lucknow as peon continuous from July 1991 to 5-5-94 and that the management have terminated the services illegally w.e.f. 6-5-94 is correct. If not, what relief is Sri Ganga Ram entitled to ?

2. The case of the concerned workman Ganga Ram is that he had worked as a peon from 17-9-91 to 4-5-94 continuously at main branch of the Allahabad Bank at Lucknow, thereafter, his services were terminated in breach of provisions of section 25F and 25G of I.D. Act.

3. The opposite party has filed reply in which it has been alleged that the concerned workman had never worked as a peon at all.

4. In the rejoinder it was reiterated that the concerned workman has worked as peon.

5. The concerned workman did not examined himself whereas the management has examined L. N. Singh M.W.1. There are Ext. M-1 to M-3 and W-1 to W-59. In the absence of any oral evidence on behalf of the workman, I am not inclined to believe that the concerned workman had actually worked as peon and had completed more than 240 days or that there had been breach of section 25F of I.D. Act. Documents filed by the parties in no way lend support to the case of the concerned workman that he had actually worked as a peon. Simply putting signatures at the back of the voucher is not enough to create relationship of master and servant. Hence my finding is that the concerned workman had never worked as peon consequently question of his termination does not arise.

6. The concerned workman has also filed copy of advertisement for recruitment of peon to show that he was not given opportunity in this regard. I am not inclined to entertain this plea as it is beyond the scope of reference.

7. In the end my award is that as the concerned workman was never in the employment of the opposite party bank question of his termination being bad does not arise at all. Consequently he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 जुलाई, 1998

का.प्र. 1636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय कर्मकारों सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती, है, जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[मं. एल. 12012/122/95 आई. प्रार. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1636.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 28-7-98.

[No. L-12012/122/95-IR (B-II)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM- LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 26 of 1996

In the matter of dispute :

BETWEEN :

Ram Karan (Gaur),
O/o. Sanjai Saxena,
189 New Model House,
Lucknow.

AND

Assistant General Manager,
Allahabad Bank,
Hazaratganj Lucknow.

APPEARANCE :

Sanjai Saxena—for the workman and Sri M. K. Verma
—for the management of Allahabad Bank.

AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/122/95-IR. B-2 dated 29-2-96, has referred the following dispute for adjudication to this Tribunal :—

Whether the claim of Sri Ram Karan (Gaur) that he had worked with the management of Allahabad Bank, Lucknow as peon from January, 1990 to 27-1-94, and that the management have terminated his services illegally w.e.f. 24-1-94 is justified ? If so what relief is the said workman entitled to ?

2. The case of the concerned workman Ram Karan is that he had continuously worked from January 1990 to 22-1-94 as peon at Main Branch Lucknow of the opposite party Allahabad Bank, when he asked for pay of a regular employee he was removed from service w.e.f. 23-1-94 without payment of retrenchment compensation and notice pay besides junior to him were retained in service. Hence there has been breach of provisions of section 25G of I.D. Act as well.

3. The opposite party Allahabad Bank has filed very lengthy written statement the substance of which is that the concerned workman had never worked as peon at this branch. In other words relationship of master and servant have been denied. Besides mention have been made about fresh recruitment in 1990 among the candidates who had worked earlier in peacemeal.

4. In the rejoinder the earlier facts mentioned in the claim statement have been reiterated.

5. In support of his case the concerned workman has examined himself as W.W.1 besides he has filed Ext. W-1 to W-21. The management bank has examined one Sri L. N. Singh as M.W.1 an officer of the bank. They had filed documents 138 in the nature of vouchers ranging from 23-1-93 to 22-1-94 but none of them have been proved.

6. The first point which needs consideration is as to whether the concerned workman was engaged as a peon. In this regard there is evidence of Ram Karan M.W.1. On the other hand L. N. Singh M.W.1 has stated that total strength of peon at main branch is 12 and all of them were working at the material time. In other words there were already whole time peons in full strength hence question of appointment of peon does not arise.

7. Now reference may be made to documents filed by the concerned workman may be made to documents filed by the concerned workman Ext. W-1 is the complaint made to A.I.C by the concerned workman, Ext. W-2 and W-3 are postal receipts and acknowledgment. Ext. W-4 is news paper cutting regarding advertisement for recruitment of peons, Ext. W-5 and 6 are letters by Chief Manager of Allahabad Bank to Post Master General. By this letter he had requested to supply register journal to the bearer and there appears signatures of Ram Karan. In this regard L. N. Singh M.W.1 has stated that these papers were never issued by the Allahabad Bank and have been fabricated for the purpose of the case. In view of above statement mere filing of these papers is not enough. The efforts ought to have been made to produce despatch register in which mention of this letter would have been mentioned in the column of peon. In its absence I am not inclined to attach any value to these papers. Ext. W-8 is the memorandum submitted by employee of the bank in which inter alia, it was alleged that in place of peons outsiders are called and work of peon is taken from them. This memorandum does not bear any date hence it is not possible to ascertain if this complain is for the relevant period or for the subsequent period.

8. Ext. W-9 to 20 are the saving bank withdrawal form register in which at one place the name of the concerned workman appear Ext. W-21 is the telegram receipt book. I do not know how it is relevant. In it the name of applicant does not appear at any place. As regards ext. W-9 to W-19, it is not know as to how for and in what capacity the concerned workman had signed it. There appear substance in the evidence of management witness that this signature have been manipulated with the connivance of the staff members. I am not inclined to accept this explanation. Thus none of the papers lend support to the case of the concerned workman.

9. The authorised representative of the workman has submitted that documents were summoned from the opposite party bank for the relevant period but they have not been filed. Hence adverse inference is to be drawn. On the other hand the auth. representative of the bank has submitted that there was no voucher concerned the concerned workman in the bank. He has filed vouchers for the last one year preceding the date of alleged termination and that too have not been proved by the concerned workman. In my opinion in such context question of drawing adverse inference does not arise.

10. Mainly on the basis of the fact that there was full strength of peon working at this branch, I come to the conclusion that the concerned workman was never engaged as a peon.

11. When the concerned workman had never engaged as a peon question of his continuous working from January, 90 to 22-1-94 does not arise, hence I do not accept this statement of the concerned workman as well that he had continuously during the above period. Accordingly breach of provision of sec. 25F of I.D. Act does not arise.

12. As the concerned workman was never employed with the opposite party bank question of breach of section 25G of I.D. Act also does not arise.

13. As a result of above discussion it is established that the termination of the concerned workman was not done at all consequently no question of its being bad arises and the concerned workman is not entitled to

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 जुलाई, 1998

का.मां. 1637—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अजमेर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-98 को प्राप्त हुआ था।

[सं एल-17012/7/96-आई आर (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1637.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ajmer as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 28-7-1998.

[No. L-17012/7/96-IR(B-II)]

SANATAN, Desk Officer

अनुबंध

न्यायालय श्रम न्यायाधीश एवं औद्योगिक न्यायाधिकरण,
अजमेर (राज.)

सी एल सी आर 2/97

रेफरेंस नं० एल०-17012/7/96/आर/(बी-II) दि. 7-7-97

जोइंट डिबीजनल सेक्रेटरी, नाहन जोन इंड्योरेंस एम्प्लोईज,
एसोसिएशन,

अजमेर डिबीजनल कमेटी, जनरल इंड्योरेंस बिल्डिंग, कचहरी
रोड, अजमेर

—प्राथी

बनाम

दि डिबीजनल मैनेजर, लाईफ इंड्योरेंस कॉर्पोरेशन आफ इंडिया
डिबीजनल ऑफिस, जीवन प्रकाश अजमेर

—अप्राथी

समक्ष

श्री हरिसिंह यू अस्तानी, आर.एच. जे.एस

प्राथी की ओर से : श्री प्रो. पी. रे।

अप्राथी की ओर से : श्री अशोक कुमार माथुर

दिनांक 28-02-1998

प्रवाद

1. केन्द्र सरकार द्वारा प्रेषित विवाद इस प्रकार है :—

"Whether the action of the management of LIC of India, Airmen in deducting Rs. 3960/- From the salary of Shri G. N. Aggrawal, HGA, is legal and justified? If not, to what relief the said workman is entitled?"

2. प्राथी की ओर से प्रस्तुत स्टेटमेंट ऑफ क्लेम के सुसंगत तथ्य संक्षेप में इस प्रकार है :—

(1) यह कि 1991-92 में नियोजकों निगम की बूंदी शाखा में आडिट के दौरान यह पाया कि एक बीमाधारी की मृत्यु के क्लेम का सही संभारणा नहीं किया गया और परिणामस्वरूप 8020/- रु० का ज्यादा भुगतान हो गया। अधिक भुगतान होने वाले पक्ष से रिकवरी नहीं हो पायी क्योंकि विधवा काफी गरीब थी।

(2) यह कि जिस विधवा को प्रतिरिक्त राशि दी गयी थी उसने लौटाने वाली राशि वन विभाग के कर्मि श्री बृजमोहन को भदा कर दी किन्तु उस वन-कर्मि ने नियोजक को वह राशि जमा नहीं करायी और प्राथी ने सद्भाविक गलती से गणना कर दी थी।

(3) यह कि जोनल मैनेजर को यह अधिकार है कि वे पांच हजार तक की क्षति को राईट ऑफ कर सकते हैं। अतः प्राथी ने यह निवेदन किया है कि नियोजक द्वारा वसूल की गयी राशि प्राथी को लौटाई जाये।

3. नियोजक द्वारा प्रस्तुत जवाब का तात्त्विक गार यह है कि जिस व्यक्ति को अधिक भुगतान किया गया उससे राशि वसूली के प्रयास किये गये किन्तु बाबजूद भाष-वासन के रकम वसूल नहीं हुई और केवल 100/- रु. ही वसूल हो पाये और इसमें गलती दो व्यक्तियों की थी और दोनों ही बिना किसी भेदभाव के निगम को हुई क्षति की राशि वसूल की गयी।

4. प्रार्थी श्री जी. एन. अग्रवाल ने साक्ष्य में स्वयं को पेश किया है। नियोजक पक्ष की ओर से कोई साक्ष्य पेश नहीं की गयी है।

5. प्रार्थी ने अपनी साक्ष्य में यह कहा है कि उसके पेश काम की अधिकता के कारण गणना में उससे सद्भाविक गलती हो गयी और इस कारण प्रबंधक ने जोनल ऑफिस दिल्ली को वेतन से काटी गयी राशि लौटाने की सिफारिश भी की किन्तु दिल्ली से कोई जवाब नहीं आया है और क्षेत्रीय प्रबंधक को राशि वेब करने का अधिकार है। प्रतिपरीक्षा में इस गवाह ने यह कहा है कि जिस व्यक्ति ने अधिक राशि प्राप्त कर ली थी उससे वसूल करने के पूरे प्रयास नहीं किये गये। इस गवाह ने स्वीकार किया है कि 8020/रु की अधिक राशि का भुगतान हो गया था जिसमें से प्रार्थी से 3960/रु. वेतन से नियोजक ने वसूल किये और शेष राशि श्री जी पी मीणा सहायक लेखाधिकारी के वेतन से काटी गयी।

6. यौन उभयपक्ष को सुना तथा पत्रावली का सावधानी से अवलोकन किया। प्रार्थी के विद्वान अधिवक्ता ने यह तर्क दिया कि प्रार्थी की सद्भावी त्रुटि के कारण जोनल मैनेजर को निष्का को हुए नुकसान की राशि वेब कर देनी चाहिए थी और यदि ऐसा नहीं करते हैं तो जिसको यह राशि अधिक भदा की गयी उसी से वसूली की कार्यवाही की जानी चाहिए और उस दिशा में निगम ने गंभीर प्रयास नहीं किया है।

7. इसके प्रतिकार में नियोजक के विद्वान अधिवक्ता ने यह तर्क दिया कि प्रार्थी कि गलती से निगम को नुकसान हुआ और इस कारण विधिवत और बिना किसी पूर्वाग्रह के प्रार्थी और एक अन्य से वह राशि वसूल कर ली गई जिसे लौटाया जाने का कोई औचित्य नहीं है। प्रार्थी ने वन विभाग के किसी व्यक्ति को राशि जमा करा दी जैसा कि प्रार्थी का कथन है कि किन्तु नियोजक निगम उस तीसरे व्यक्ति से वसूली नहीं कर सकता। पत्रावली में एक शांति-बाई के पत्र की छायाप्रति मौजूद है जिसमें उसने इस आशय का इस्तर किया है कि वह तो सौ रु प्रतिमाह किस्तों से बीस तारीख तक रुपये भदा करती रहेगी। पत्रावली में वरिष्ठ डिवीजनल मैनेजर का जोनल ऑफिस नयी दिल्ली को प्रेषित पत्र दि. 5-4-95 मौजूद है जिसमें प्रार्थी की सद्भावी गलती को दृष्टिगत रखते हुए प्रमाउंट रिफंड करने और वेब करने का निवेदन किया गया है। पत्रावली को नियोजक निगम के स्थाई आदेश 1960 का सुसंगत भाग मौजूद है जिसमें पांच हजार रुपये राशि तक गणना में गस्तियों की स्थिति को वेब करने का अधिकार दिया गया है। पत्रावली के अवलोकन से यह स्पष्ट स्थिति हो जाती है कि प्रार्थी व एक अन्य व्यक्ति की गलती से नियोजक निगम को 8020 रु. का नुकसान हुआ जिसमें से 3960/ रु. की राशि प्रार्थी के वेतन से काट ली गयी और शेष राशि इनके लिये जिम्मेदार पाये गये अधिकारी से वसूल कर ली गयी। प्रार्थी को यह गलती सद्भावी है इसमें कोई संदेह नहीं है। प्रार्थी की साक्ष्य के अनुसार जिसको राशि का अधिक भुगतान हो गया उससे

वसूल करने के पूरे प्रयास नहीं किये गये जिसको अधिक भुगतान हो गया उसने निगम को राशि लौटाने का इस्तर भी किया किन्तु ऐसा प्रतीत होता है कि निगम किसी कारण से वह राशि उससे वसूल नहीं कर पाया। किसी कर्मचारी की गलती से यदि किसी प्रतिष्ठान को आर्थिक क्षति पहुंचाई हो तो उसकी भरपाई करने का उसे अधिकार है किन्तु साथ ही यह नियोजक निगम का धायित्व है कि वह जिसे अधिक राशि का भुगतान हो गया है वह राशि उससे वसूल करने का सम्यक् तत्परता से प्रयास करे और यदि उसमें विफलता मिलती है तभी सद्भाव त्रुटि करने वाले से वसूल करे। समस्त हालात पर और करते हुए प्रेषित विवाद का अधिनियम इस प्रकार किया जाता है कि नियोजक निगम की प्रार्थी से 3960/ रु की वेतन से कटौत अवैध नहीं किन्तु उक्त हालात में उचित नहीं है। अतः परिणामस्वरूप यह व्यवस्था दी जाती है कि नियोजक निगम जिस पक्ष को प्रार्थी की गलती के कारण अधिक भुगतान कर दिया गया उससे सम्यक् तत्परता से राशि वसूलने की कार्यवाही करे जिसमें कानूनी प्रतिक्रिया भी सम्मिलित है और यदि जिस सीमा तक उधसे राशि वसूल की जाती है उतनी राशि प्रार्थी को नियोजक रिफंड कर दे किन्तु अधिक भुगतान प्राप्त करने वाले पक्ष से यदि किसी कारण वसूली नहीं हो पाती है तो उस स्थिति में प्रार्थी अनुरोध प्राप्त करने का अधिकारी नहीं होगा। साथ ही यह भी प्रेषण किया जाता है कि वरिष्ठ डिवीजनल मैनेजर के जोनल ऑफिस को लिखे गये पत्र दि. 5-4-95 के आलोक में नियोजक निगम सहानुभूति पूर्वक विचार करे और यथा संभव राशि को वेब करने की चेष्टा करें किन्तु यह व्यवस्था आदेशात्मक न होकर न्याय के हित को साधना के लिये सलाह के रूप में मानी जावे।

अवाई आज दि. 28-02-1998 को लिखाया जाकर खुले न्यायालय में सुनाया गया। अवाई की प्रति नियमानुसार केन्द्र सरकार के वास्ते प्रकाशनार्थ प्रेषित की जावे।

हरिसिंह यू० अस्नानी, न्यायाधीश

नई दिल्ली, 29 जुलाई, 1998

का.प्र. 1638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाईटेड बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निष्पक्ष औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार जो 28-7-98 को प्राप्त हुआ था।

[सं. एल-12012/235/95-आई. प्रार. (बी-II)]

सचिवतन, उक्त अधिकारी

New Delhi, the 29th July, 1998

S.O. 1638.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 28-7-1998.

[No. L-12012/235/95-IR(B-II)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT,
PANDU NAGAR, KANPUR

Industrial Dispute No. I of 1997

In the matter of dispute :

BETWEEN

State Secretary,
United Bank of India Karamchari Sangh,
28/93 Birhana Road,
Kanpur.

AND

Regional Manager,
United Bank of India,
4-B Habibullah Estate Hazaratganj,
Lucknow.

AWARD

1. Central Government Ministry of Labour vide Notification No. L-12012/235/95-I.R.(B-2) dated 30-12-96, has referred the following dispute for adjudication to this Tribunal—

Kya United Bank of India, Allahabad Ke Kshetriya Prabandhak ne Sri A. K. Verma ko Head Cashier/Cashier Incharge ke pad se dinank 12-8-94 se hatana uchit avam vaidhanik hai? Yadi nahi to sambandhit karmkar kis anutosh ke haqdar hai?

2. There is a circular of the opposite party United Bank of India dated 29th September, 1992. According to this circular the post of cashier incharge which falls vacant is to be filled from eligible employees of the same branch.

3. There is no dispute that the concerned workman was working as cash cum general clerk at Naini branch of the opposite party. Cashier incharge Mukul Tondon was promoted as officer. R. N. Singh was senior most clerk at this branch. He did not apply for the post of cashier incharge. Whereas the concerned workman had applied, Branch Manager had recommended his case to Regional Manager vide letter dated 24-1-94. Ultimately the concerned workman was promoted as cashier incharge by order dated 14-5-94. On 24-5-94 R. N. Singh applied for this post. The Regional Manager

of the opposite party bank was interested in bringing one Dharmraj Singh as cashier incharge at this branch. Consequently the Regional Manager issued a letter dated 12-7-94 informing A. K. Verma that special allowance of cashier incharge is to be withdrawn by sending notice under section 9-A of I.D. Act. Consequently, the concerned workman was deprived of this allowance.

4. The case of the concerned workman is that having once promoted as cashier incharge he could not have been removed from this post by denying special allowance without any show cause notice or holding any enquiry. Hence this denial of special allowance is bad in law.

5. In its reply the bank was alleged that the concerned workman was promoted by inadvertance to work on temporary basis as cashier incharge. Later on when this mistake was detected the concerned workman was served with a notice under Section 9-A of I.D. Act and special allowance was denied. One Dashrath Singh is working in his place.

6. In the rejoinder it is reiterated that the action of the management is illegal.

7. Although both the parties have adduced documentary evidence. I find that only material document is the letter of promotion. It is order dated 14-5-94. It says that the concerned workman has been appointed as cashier incharge subject to certain terms and conditions. He will be on probation for a period of six months and on expiry of which question of confirmation will be taken up. In case he is not found suitable he could be reverted back. It further say that he will get Rs. 119 per month as special allowance. He has further been asked to furnish a cash security of Rs. 3000. Thus this letter belies the version of the management that the concerned workman was appointed purely on temporary basis and that there was any mistake in it. In my opinion, when the concerned workman was appointed on probation it was not open to the management to have removed the concerned workman from this post prior to six months. If his work and conduct was not satisfactory he could have reverted back to lower post. This removal of the concerned workman during the period of probation apparently smacks with malaide intention. Hence, I uphold the plea that the concerned workman and hold that the order of removal from the post of cashier incharge and consequent denial of special allowance is bad in law.

8. In view of above discussion my award is that denial of special allowance to the concerned workman is bad in law and he will be entitled to this special allowance from the date of removal till he was again given this post at the admissible rate.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 29 जुलाई, 1998

का.प्र. 1639 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-7-97 को प्राप्त हुआ था।

[सं. एल-12012/144/92-आई.प्र. (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 29th July, 1998

S.O. 1639.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 28-7-1998.

[No. L-12012/144/92-IR(B-II)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 54 of 1992

PARTIES :

Employers in relation to the management of Central Bank of India.

AND

Their workmen.

PRESENT :

Mr. Justice A. K. Chakravarty,
..... Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. S. K. Chatterjee, Deputy Chief Officer (Law).

On behalf of Workmen : Mr. D. K. Chatterjee, General Secretary of the Union.

STATE : West Bengal INDUSTRY : Banking
AWARD

By Order No. L-12012/144/92-IR(B. II) dated 9-10-1992 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the claim of Central Bank of India Employees Congress, Calcutta that Sh. Pradip Kumar Chowdhury had worked

more than 240 days in one year and is, therefore, eligible for permanent appointment in the Central Bank of India in terms of the Bank's circular No. CO : 90-91 : 622 dated 12-3-91, is correct? Whether the management's claim that Sh. Chowdhury was employed only for 117 days between 1987 & 1989 and other persons were engaged for the remaining days, is justifiable in view of the provisions Section 25H of the I.D. Act? What relief, if any, is the workman entitled to?"

2. The instant reference has arisen at the instance of the Central Bank of India Employees Congress (W.B.) (Union in short) for absorption of the concerned workman Pradip Kumar Chowdhury in the service of the Central Bank of India (management in short) in the post of Safai Karmachari.

3. The union's case, in short, in this matter is that Shri Pradip Kumar Chowdhury worked for more than 240 days in the Bank at its Titagarh Branch under North Region from 16-11-1987 to 30-9-1989 as Safai Karmachari on the basis of daily wage @ Rs. 10 per day in the Titagarh Branch and the Titagarh Extension Counter of the Bank. The union has further alleged that in 1987 Shri Chowdhury worked for 37 days, but the cash vouchers through which he was paid were issued in different names. Similarly, in 1988, it is stated in the written statement, that he worked for 231 days and that upto 20-8-1988 cash vouchers were issued in the name of other persons. In 1988, it is alleged that he worked for 17 days only. Shri Chowdhury submitted an application dated 28-8-1989 for giving him a chance to appear in the test for recruitment of the Safai Karmachari as he was holder of an employment exchange card and also a member of scheduled caste community. It is alleged that though the application was duly forwarded to the management, Shri Chowdhury was not given a chance to appear in the test. It is alleged that as per bipartite agreement in the industry level which took place on 19-10-1966 there was positive direction to absorb casual/part-time workers at the time of recruitment of sub-staff/safai karmachari. The union also claimed that as per provisions of Section 25H of the Industrial Disputes Act, 1947 Shri Chowdhury is entitled to absorption in the permanent cadre and is also entitled to receive his pay and allowances as the regular employee of his cadre.

4. The management in its written statement denied the above allegations of the union. It's case is that in 1987 he worked for 25 days in November and December, 55 days from January 17 to October 2 in 1988 and also 20 days in November and December in the same year. In 1989, he worked for 17 days. Total days of work of Shri Chowdhury from 1987 to 1989 was thus for 117 days as per Office record of the management. It is also alleged

that he was paid Rs. 7 per day for 68 days for watering khaskhas during 1989 on contract basis at the base office. The management denied that it prepared vouchers in the name of other persons instead of preparing the same in the name of the concerned workman. It is further alleged that if Shri Chowdhury had worked under different names that amounts to impersonation and trying to cheat the Bank. It is further alleged that since Shri Chowdhury did not complete 240 days of work in any calendar year, he is not entitled to get any benefit under section 25H of the Industrial Disputes Act, 1947. The management has also alleged that question of absorption of persons like Shri Chowdhury who is guilty of impersonation, as stated by him in the written statement, should not be absorbed in the service of the Bank. The Bank has accordingly prayed for dismissal of the claim of the union.

5. The union in reply to the written statement of the management, filed a rejoinder wherein it is alleged that since payment to the concerned workman were made by debit vouchers, the question of impersonation or commission of dishonesty does not arise. The other allegations of the union are merely repetition of the written statement.

6. Certain documents, namely, one application dated 28-8-1989 by the concerned workman to the management asking for allowing him to appear in the test (Ext. W-1), another application dated 5-11-1992 also asking the management to permit him to appear in the recruitment test for appointment as Safai Karmachari (Ext. W-2), a certificate dated 29-3-1988 issued by the Branch Manager of Khardaha Jute Mill Extension Counter (Ext. W-3) certifying that the concerned workman had worked in his branch on temporary basis on no-work-no-pay as Safai Karmachari and another forwarding letter dated 17-10-1989 (Ext. W-4) issued by the Assistant Personnel Manager forwarding certain names including the name of the concerned workman to the Regional Office, South of the Bank for consideration of those persons for sitting in the test were produced by the union. Bunch of vouchers were produced by the Bank which were collectively marked Ext. M-1 and M-2. In addition to the above mentioned documentary evidence of the union, it has examined the concerned workman Pradip Kumar Chowdhury to prove its case. The management also examined one witness, namely, Subhas Chandra Gupta, a Scale-II Officer of the management.

7. Heard Mr. S. K. Chatterjee, representative of the management and Mr. D. K. Chatterjee, representative of the union.

8. The questions raised in the reference are three, namely, (i) whether the concerned workman had rendered 240 days of service in a year from 1987 to 1989 and whether he is entitled by

reasons of such rendering of service for absorption in the Bank in terms of the circular dated 12-3-1991; (ii) Whether the management violated the provisions of section 25H of the Industrial Disputes Act, 1947 by not employing him while appointing other persons in the same job and (iii) The relief available to the workman.

9. The first point for consideration is whether the concerned workman rendered 240 days of service in a year as Safai Karmachari in the Bank during 1987 to 1989. The management has emphatically denied that 240 days of service was rendered by the concerned workman. It is, however, admitted that he had rendered service only for 117 days during the said period. While examining the respective contentions of the parties in the matter, the first thing that attracts the attention of the Tribunal is that the written statement of the union itself does not show that the concerned workman rendered service of 240 days in 1987, 1988 and 1989. In so far as the claim of service rendered by the workman in November and December, 1987, it will appear from the written statement of the union that no voucher was in his name during the said period and those were issued in the names of different persons. Similarly, in 1988 it will appear from the written statement of the union itself that vouchers upto 20-8-1988 were issued in the names of different persons and not in the name of the concerned workman. For the rest of the period, there being no allegations that the vouchers were prepared in the names of other persons during that time, it may be presumed that those were prepared in his name. In respect of 1989, the dates of service rendered by the workman have not been mentioned and it is also not stated upto what date the concerned workman had worked in the Bank. The concerned workman himself in his evidence stated that although his name is Pradip Kumar Chowdhury, he had received payments signing as Joydeb Mondal and in other names. Apart from the fact that receipt of money in false name constitutes serious criminal offence, it is difficult to believe him in this matter as no other witness was produced by the union to corroborate him on this point. The workman also stated in his evidence that he had worked for more than 180 days and for this he relied upon the certificate marked Ext. W-4. This certificate does not certify that the concerned workman had worked for more than 180 days. It merely certifies that he had worked as a casual worker on 'no work no pay' basis. In the said circumstances, I am not in a position to hold that the concerned workman had succeeded in proving that he had rendered more than 240 days of service in a calendar year from 1987 to 1989 in the Bank.

10. It is true that the management has admitted in its written statement that the concerned workman had rendered 117 days of service in the Bank as it appears from their office record. The Bank

in its written statement also mentioned the number of days in these years in which the concerned workman worked. The witness examined on behalf of the management also stated categorically that in 1987, 1988 and 1989 the workmen had rendered 25 days, 75 days and 17 days of service respectively. The concerned workman as well as the witness of the management stated that the vouchers produced in this case show the exact dates of service of the concerned workman in the Bank. I have already stated that the vouchers do not show that the concerned workman worked for more than 240 days in a year. In the said circumstances, the case made out by the management that the concerned workman had worked only for 117 days during these years has got to be accepted.

11. The point that next comes up for consideration is whether in terms of circular dated 12-3-1991 the management had any obligation to absorb the concerned workman in the regular service of the Bank. From the circular it appears that the cases of the temporary/casual workers are to be considered for absorption, if they have rendered service for 240 days without holding any test for the purpose. It is further stated that workers working for a lesser period, they shall be called to appear in the test to be conducted by the Bank. But, there is also a provision that those provisions for sitting in the test shall not be available to the Safai Karmacharies.

12. Mr. D. K. Chatterjee, representative of the union wanted to rely on a subsequent circular of the Bank where provisions have been made for filling-up posts of Safai Karmachari. The Tribunal is not in a position to look into this circular as that will amount to travelling beyond the scope of the reference.

13. It is therefore clear that the concerned workman had not rendered 240 days of service in a year and accordingly no question of his absorption as per circular dated 12-3-1991 can arise.

14. Regarding application of section 25H of the Industrial Disputes Act in view of the admitted position that the workman had rendered only 117 days of service, the question is whether the management transgressed the said provision by not giving any preference to the concerned workman before engagement of another person. No evidence was adduced on either side that the management had engaged any other person in the said post of safai karmachari on permanent basis. Further, it appears from the evidence of the concerned workman that he was appointed against leave vacancy of Suresh Mallick who was the permanent safai karmachari at the Titagarh Branch. The leave vacancy connotes appointment for a particular period of time i.e. during the period of absence of the incumbent of the said post. The contract of employment, therefore, being only for limited period, the termination of the service of the concerned workman after the expiry of the said period i.e. on the joining of the permanent incumbent to the said post, such termination of service cannot be said to be 'retrenchment' in terms of provisions of section 2(oo) (bb) of the Industrial Dispute Act, 1947. Provisions of section 25H of the said Act accordingly therefore has no application in this case. The workman himself has not prayed for any relief under this provision in his evidence. The second question in this reference, namely, whether there is any violation of Section 25H of the said Act in view of the admission of the management that he worked for 117 days must be answered in the negative because as stated above by me, the provisions of section 25H has no application in the instant case.

15. So, upon consideration of all the facts and circumstances and the evidence on record and the position of law in the matter, I am of the opinion that the concerned workman Pradip Kumar Chowdhury shall not be entitled to any relief in this case. This is my award.

Dated, Calcutta
the 16th July, 1998.

A. K. CHAKRAVARTY, Presiding Officer